



## Wellfleet Selectboard

### **Note: Start Time of 6pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, April 16, 2024, at 6:00 p.m.** located at the Wellfleet Adult Community Center (ACC), 715 Old King's Highway, Wellfleet, MA 02667. Remote participation will be available by Zoom and telephone as provided below, in compliance with 940 CMR 29.10 and the Town's Remote Participation Policy. If technological problems interrupt remote participation, the meeting may be suspended or ended at the discretion of the Chair in consultation with the Board.

Selectboard meetings are broadcast live on Comcast cable (Wellfleet Government TV Channel 18) and are recorded. Recordings of meetings are available at [wellfleet-ma.gov](http://wellfleet-ma.gov)

*Note: Any individual may record the meeting, but must first notify the Chair, and may not interfere with the meeting to record it. See M.G.L. c. 30A, s. 20(f).*

**Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

**By Phone: +1 929 205 6099 and enter Meeting ID: 856 8960 4806 | Passcode: 611877**

**To participate during public comment:**

In person: go to closest available microphone.

Zoom: raise hand to be called on to speak.

Phone: dial \*9 to raise hand to be called on

*All participants must be recognized by the Chair prior to speaking during public comment or at any other time during the meeting. See "Speech and Conduct at Public Meetings" page following Agenda for further information on the law governing public participation.*

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### **I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

### **II. *Consent Agenda***

**A.** Application from Steve Burke to be appointed on the Energy & Climate Action Committee

**B.** Wellfleet Chamber of Commerce – Brianna Sullivan & Bob Morrill; Wellfleet 4<sup>th</sup> of July parade Details on the application. 8am – 11am.

**C.** Challenger Sports ~ Luke Burgess ~ Soccer Camp at Baker's Field ~ Monday August 19, 2024, ~ Friday August 23, 2024, 8am – 12pm.

**D.** Use of town property ~ Tim Munetsi ~ National Multiple Sclerosis Society ~ Annual Bike Ride, Sunday June 30, 2024, 6:30am – 2:30pm.

**III. *Public Hearings***

- A. Application received February 26, 2024, from Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara; application for a change of class from seasonal to year-round All Alcohol License from The Wicked Oyster, to Alexander Hay, Garrett Smythe, and Sebastian Taffara.
- B. To amend and vote on the options for the fees of the Building Department (*Documents of the changes can be found in the administration office at town hall*)
- C. Application received on 3/26/2024 from David Seitler (Wellfleet, MA) for the transfer of shellfish grant license #01-03-B consisting of approximately three acres in the deep-water area of Indian Neck from David Seitler to David Seitler and Chris Milewski (Wellfleet, MA).
- D. Application received on 4/2/2024 from Justin Lynch (Wellfleet, MA) and Eben Kenny (Wellfleet, MA) for the transfer of shellfish grant license #01-05-B consisting of approximately three acres in the deep-water area of Indian Neck from Justin Lynch and Eben Kenny to Justin Lynch, Eben Kenny and Melissa Lynch (Wellfleet, MA).

**IV. *Use of Town Property***

- A. Kathe and Richard Morse – Use of Bakers Field Pavilion Monday June 24, 2024 – 9:30am – 11:30am, Small breakfast gathering for 25 people. Details in full application in the packet for this meeting.

**V. *Business***

- A. Appointment of Thomas Guerino as Town Administrator for three-year term subject to contract negotiations.
- B. Discussion and possible vote may be taken regarding the grant application extending fiber coverage to the shoreline and dunes in Wellfleet. ~ Cable, Cellular, Internet advisory Committee.
- C. Discussion with the Dredging Task Force on directions moving forward.
- D. Bound Brook Update ~ Jay Norton
- E. Ice Machine Update ~ Town Administrator

**VI. *Correspondence***

**VII. *Selectboard Reports***

**VIII. *Town Administrator's Report***

**IX. *Topics for Future Discussion***

**X. *Minutes***

- A. March 19, 2024
- B. March 21, 2024
- C. April 2, 2024
- D. April 9, 2024

**xi. *Adjournment***

## Speech and Conduct at Public Meetings

The SJC's Barron v. Kolenda case decided in March of 2023 held that "civility cannot be required regarding the content of speech at a public comment session in a public meeting."

Barron v. Kolenda also held that public bodies may impose restraints on the conduct of individuals at a public meeting:

"What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do. We have concluded that such time, place, and manner restrictions do not violate either the right to assembly under art. 19 or the right to free speech under art. 16.

In addition to the SJC's instructions in Barron v. Kolenda on a public body's right to require "orderly and peaceable" public comment, the Massachusetts Open Meeting Law contains rules for conduct at public meetings. From Mass. General Laws Chapter 30A, s. 20:

- No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.
- No person shall disrupt the proceedings of a meeting of a public body.
- If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting
- If the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

### Public comment at Selectboard meetings

The Selectboard does not seek to, and will not regulate the content of speech by participants at public comment (with the exception of threats, incitements to violence, or other jeopardy to public safety). However, consistent with the Barron v. Kolenda case, the Chair will enforce the above rules to prevent disruption of meetings and to ensure "orderly and peaceable" public comment. Examples of conduct that disrupts a meeting include:

- Addressing the Board or the public when not recognized by the Chair, whether at the microphone or in the audience.
- Interrupting a speaker recognized by the Chair.
- Interrupting a Board member or Board discussion.
- Continuing to speak when time for comment has expired and the Chair has advised that the speaker is no longer recognized.
- Refusing to cease any of the above or other disruptive conduct when requested by the Chair

The Chair will flag disruptive conduct and issue a verbal warning to the individual engaged in it. If an individual who has received a verbal warning continues to disrupt proceedings (at that time or later in the meeting), the individual will be asked to leave the meeting. If the individual does not leave the meeting, the Chair will authorize his or her removal from the meeting.



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

I

## ANNOUNCEMENTS AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	Wellfleet Selectboard
<b>DESIRED ACTION:</b>	Announcements to the board and public
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b><i>NOTE: Public comments are limited to no more than three minutes per speaker and be allowed to speak once during open comments.</i></b> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

II

### CONSENT AGENDA

<b>REQUESTED BY:</b>	Various Parties
<b>DESIRED ACTION:</b>	To approve the following without objection
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>• Application From Steve Burke to be appointed to the Energy &amp; Climate Action Committee, for a term of 3 years.</li><li>• Use of town property, Wellfleet Chamber of Commerce ~ Annual July 4<sup>th</sup> parade ~ Thursday July 4, 2024, 8am – 11am.</li><li>• Use of town property, Challenger Sports, Luke Burgess, for backer's field August 19<sup>th</sup> – 23<sup>rd</sup>, 8am-12pm. For a fee of \$250</li><li>• Use of town property ~ National Multiple Sclerosis Society ~ various roads in Wellfleet (see packet for maps and details), June 30, 2024, 6:30am – 2:30pm</li></ul>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Conditions:
<b>VOTED:</b>	Yes _____ No _____ Abstain _____



TOWN OF WELFLEET  
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

2024 MAR 32 A 8:18  
TOWN CLERK  
TOWN OF WELFLEET

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name STEVE BURKE Date 3/24/2024

Mailing Address 230 PAINE HOLLOW RD  
WELFLEET, MA 02667

Phone (Home) \_\_\_\_\_ (cell) 508.246.5003

E-mail stburke525@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: \_\_\_\_\_

I perform Mass Save home energy audits for residential homeowners.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

BPI Building Envelope Professional ; Building Analyst Professional  
in good standing

Committees/Boards of Interest: 1) Energy & Climate Action Committee  
2) \_\_\_\_\_  
3) \_\_\_\_\_

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Brianna Sullivan, Bob Morrill

Affiliation or Group Wellfleet Chamber of Commerce

Telephone Number 508-349-2510

Mailing Address PO Box 571, Wellfleet MA 02667

Email address [info@wellfleetchamber.com](mailto:info@wellfleetchamber.com)

Town Property to be used (include specific area) Parade route starts at the TOW Pier and travels left on Holbrook Ave, right on Main Street, right on East Commercial Street and continues straight on Commercial Street, ending at the Pier. The antique car portion follows the same route and starts from the Mayo Beach parking lot. We are also requesting permission to place portapotties for one day in the parking lot behind Town Hall, to accommodate event revelers.

Date(s) and hours of use: Thursday, July 4, 2024 – 8am-11am

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by the applicant.

Float Parade and Antique Car Parade: The antique car portion leaves the Mayo Beach parking lot at 9:30am, and the float parade starts at 10am from the Pier parking lot. Revelers and parade participants begin lining up approximately 1 hour prior to start. We require floats throwing candy/parade favors to provide spotters for each side of their vehicle. We also ask that floats not spray water or use hoses. Participants register in advance, but we also accept same day registration; volunteers from the Wellfleet Chamber review the guidelines with floats lined up, prior to parade start.

Describe any Town services requested (police details, DPW assistance, etc.)

The Parade is a joint collaboration between the TOW and Chamber of Commerce; we request services as recommended by the TOW Police, Fire, Emergency and DPW departments.

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \$50.00         

Fee: \_\_\_\_\_

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> <i>ok - Heath Martney</i> Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> <i>N/A</i> Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> <i>ok - Chief LaRocco</i> Comments/Conditions:	<b>Fire Department:</b> <i>ok - Chief Pauley</i> Comments/Conditions:
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<b>DPW:</b> <i>ok - Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b> <i>ok - Suzanne Thomas</i> Comments/Conditions:
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<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
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<b>Recreation:</b> <i>ok Becky Rosenberg</i> Comments/Conditions	<b>Town Administrator:</b> <i>✓</i> Comments/Conditions
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APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667

Applicant Luke Burgess Affiliation or Group CHALLENGER SPORTS  
Telephone Number 401-213-0466 Mailing Address 94B JEFFERSON BLVD  
Email address SPRANCIS@CHALLENGERSPORTS.COM WARWICK RI 02888  
Town Property to be used (include specific area) BAKERS FIELD (SOCCER FIELD)

Date(s) and hours of use: Monday 19th August to Friday 23rd August 8:00AM - 12:00PM

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Soccer camp to support the recreation soccer players with one week of instruction. Maximum of 40 players with a one time fee of \$100. All equipment will be provided by Challenger Sports

Describe any Town services requested (police details, DPW assistance, etc.)

Bathroom facility if possible

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted  
\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_  
\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_ Processing Fee: \$50.00  
Fee: \_\_\_\_\_

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> N/A Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> ok - Chief LaRocco Comments/Conditions:	<b>Fire Department:</b> ok - Chief Pauley Comments/Conditions:
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<b>DPW:</b> ok - Jay Norton Comments/Conditions:	<b>Community Services Director:</b> ok - Suzanne Thomas Comments/Conditions:
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<b>Harbormaster:</b> N/A Comments/Conditions:	<b>Shellfish:</b> N/A Comments/Conditions:
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<b>Recreation:</b> ok - Becky Rosenberg Comments/Conditions:	<b>Town Administrator:</b> ✓ Comments/Conditions:
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**National  
Multiple Sclerosis  
Society**

April 11, 2024

Attn:  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

On behalf of the National MS Society, Greater New England Market, I would like to extend our gratitude for the continuous support and cooperation the Town of Wellfleet has shown for our annual Bike MS event. The funds raised from this event will continue to be used to advance our support of national research and to support local programming for the more than 27,000 people within Greater New England who are affected by multiple sclerosis.

The 2024 Bike MS: Cape Cod Getaway event is scheduled to take place on Sunday, June 30, 2024. We anticipate that we will have around 897 participants for this event that will start at Massachusetts Maritime Academy in Buzzards Bay and finish at the Pilgrim Monument in the Town of Provincetown. Our cyclists will be passing through Town of Wellfleet between 6:30 a.m. and 2:30 p.m. as they take part in the 75-mile route. I have included written riding directions for your review, and we will thoroughly mark the route and make arrangements to have police details where appropriate.

Our routes feature safety stops every 8-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow the rules of the road and are directed to ride single file – we do not ask for road closures, and this is not a race. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require them to ride to the finish in one of our route support vehicles.

We mark our route with small coroplast signs attached to utility poles or stakes. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

We operate a support team consisting of medical personnel, bicycle mechanics, and amateur (HAM) radio operators. Our lead HAM radio operator monitors all emergency radio frequencies, so that we can close or redirect our route should that become necessary.

We respectfully ask permission from the Town of Wellfleet to use town roads for this event. If we have your permission, please sign, and return the *Approval Reply Form* enclosed here to me. If there are any other additional steps, permits or permissions I must take to ensure approval for this event, please let me know.

We thank you in advance for your support and please feel free to contact me with any questions or concerns.

Sincerely,

*Tim Munetsi*

**Tim Munetsi** | Event Manager | Promoter Line Inc.  
C:972-505-5004

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> N/A Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b>  Comments/Conditions:	<b>Fire Department:</b> OK - Chief Pauley Comments/Conditions:
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<b>DPW:</b> OK - Jay Norton Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
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<b>Harbormaster:</b> N/A Comments/Conditions	<b>Shellfish:</b> N/A Comments/Conditions
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<b>Recreation:</b> N/A Comments/Conditions	<b>Town Administrator:</b> ✓ Comments/Conditions
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**National  
Multiple Sclerosis  
Society**

## **APPROVAL REPLY FORM**

Town of Wellfleet

Attn:  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

From: Samantha Boland, Manager/Event Production

Organization: National MS Society

Re: June 30, 2024 / Annual Bike MS: Cape Cod Getaway Cycling Event

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I am aware that the annual Bike MS: Cape Cod Getaway cycling event will be coming through town on **Sunday, June 30, 2024**. I have reviewed and approved the routes. Should I have any questions and/or concerns regarding this year's event, I will be sure to contact Samantha Boland at the National MS Society at 781-693-5125, [Samantha.Boland@nmss.org](mailto:Samantha.Boland@nmss.org), or Tim Munetsi at 972-505-5004, [tim@promoterline.com](mailto:tim@promoterline.com).

By signing below, I am granting permission from the town to conduct this event.

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

Please return this form to Tim Munetsi at:  
[tim@promoterline.com](mailto:tim@promoterline.com) or  
Attn: Tim Munetsi  
PO Box 2028  
Colleyville, TX 76034

# 75M D2 Cape Cod Getaway 2024



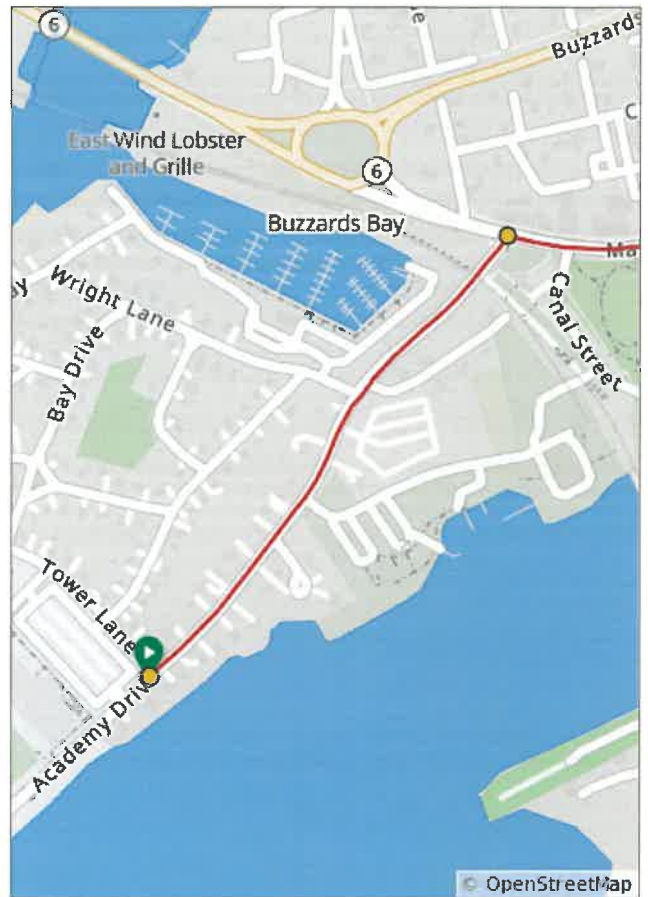
77.4 miles, + 2881 / - 2828 feet



- A. Start- Mass Maritime Academy
- B. Rest Stop 1- Cape Cod Rehab Hospital
- C. Rest Stop 3- Stony Brook Elementary (Lunch)
- D. Rest Stop 5- Wellfleet Elementary
- E. Rest Stop-6 Truro Central School (Water only)
- F. Finish

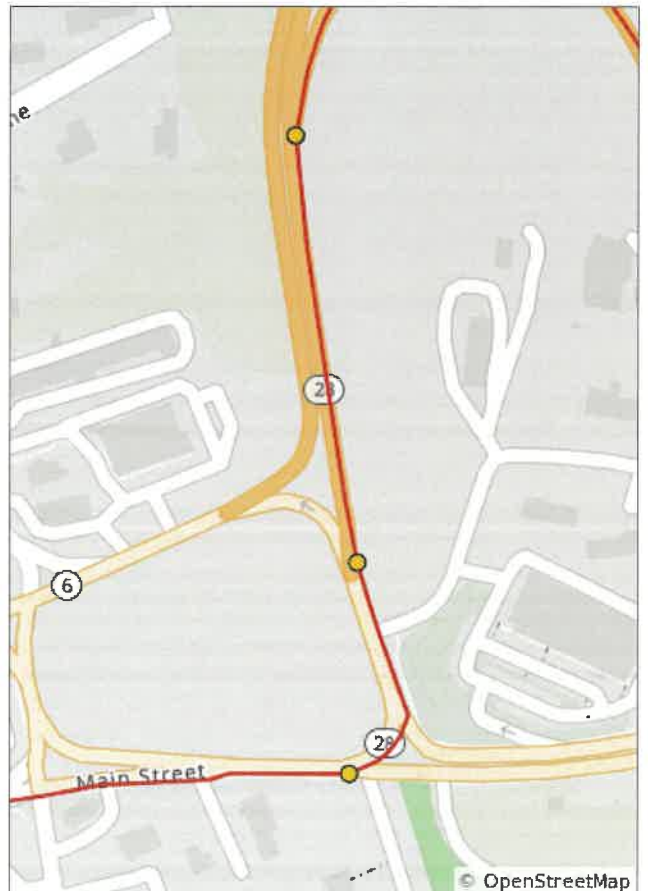
## 75M D2 Cape Cod Getaway 2024

Num	Dist	Type	Note	Next
1.	0.0	📍	Start of route	0.0
2.	0.0	↑	Start- Mass Maritime Academy Start- Mass Maritime Academy	0.4
3.	0.4	→	R onto Main St	1.1



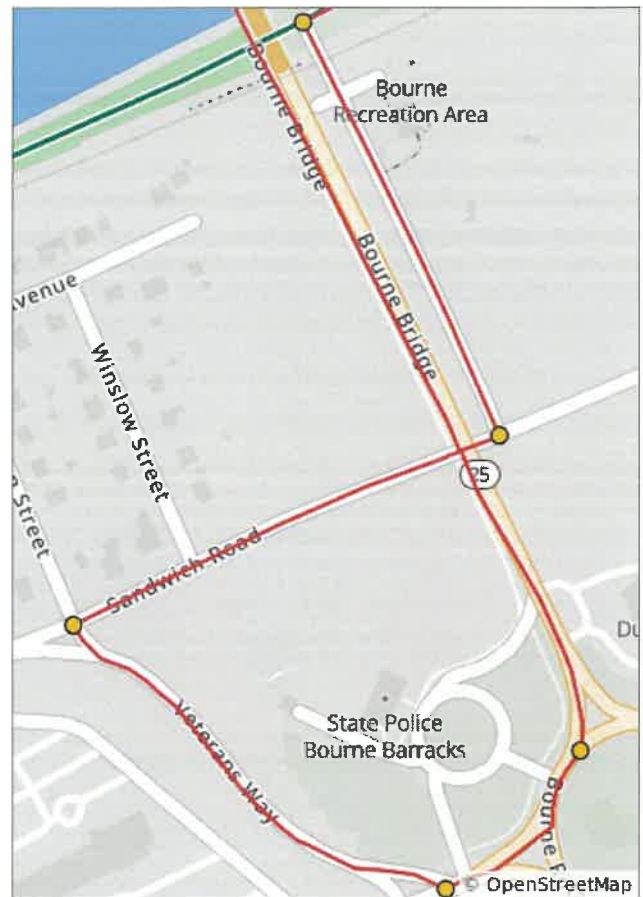
0.4 miles. +11/-6 feet

Num	Dist	Type	Note	Next
4.	1.5	←	Slight L onto Bourne Rotary Cir N	0.1
5.	1.6	↑	MA-28 S/MA-25 W ramp to Falmouth the Islands/I-495	0.1
6.	1.7	→	Keep R at the fork and merge onto MA-28 S	1.1



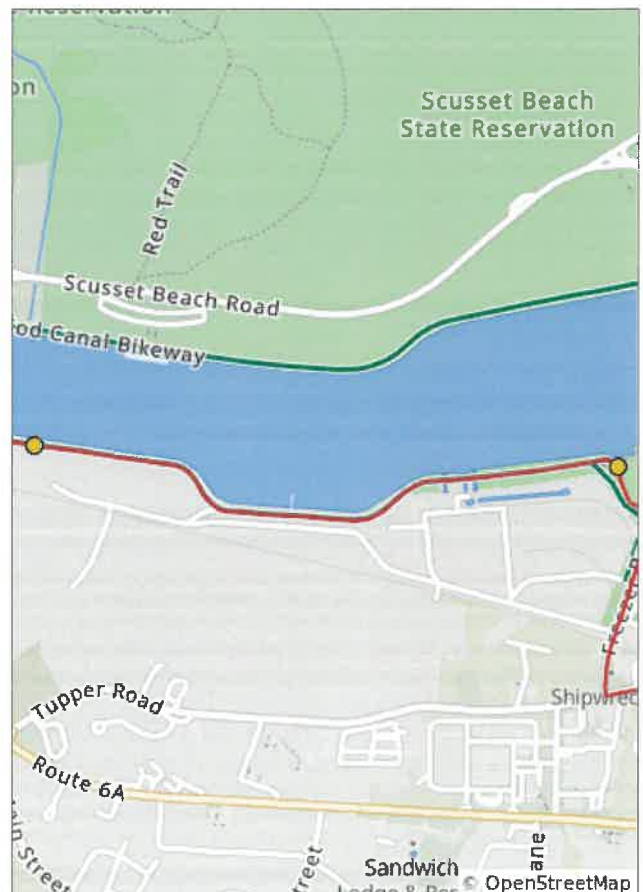
1.4 miles. +4/-2 feet

Num	Dist	Type	Note	Next
7.	2.8	↑	At the traffic circle, take the 2nd exit onto Trowbridge Rd	0.1
8.	2.9	→	R onto Veteran's Way	0.2
9.	3.0	→	R onto Sandwich Rd	0.2
10.	3.2	←	L onto Canal access road	0.2
11.	3.3	→	R onto Canal Service Rd	4.4



1.6 miles. +2/-74 feet

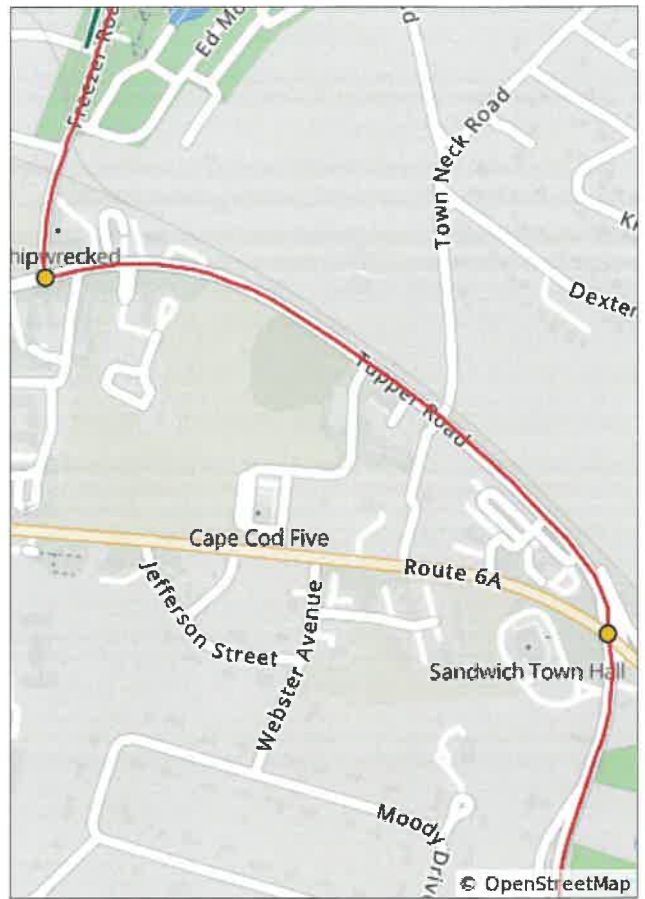
Num	Dist	Type	Note	Next
12.	7.7	<i>i</i>	Sandwich	0.8
13.	8.5	→	Slight R at Freezer Rd	0.3



5.2 miles. +0/-0 feet



Num	Dist	Type	Note	Next
14.	8.9	←	L onto Tupper Rd	0.5
15.	9.3	↑	Cross RT6A	0.4



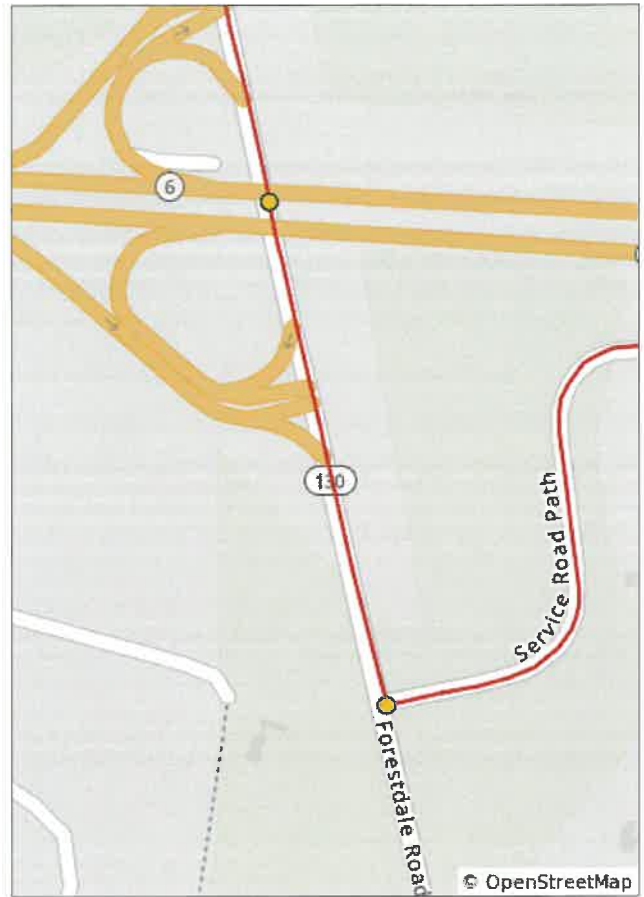
0.8 miles. +5/-11 feet

Num	Dist	Type	Note	Next
16.	9.8	←	L onto RT130/Main St	0.1
17.	9.8	↑	Continue onto RT130/Water St	1.4



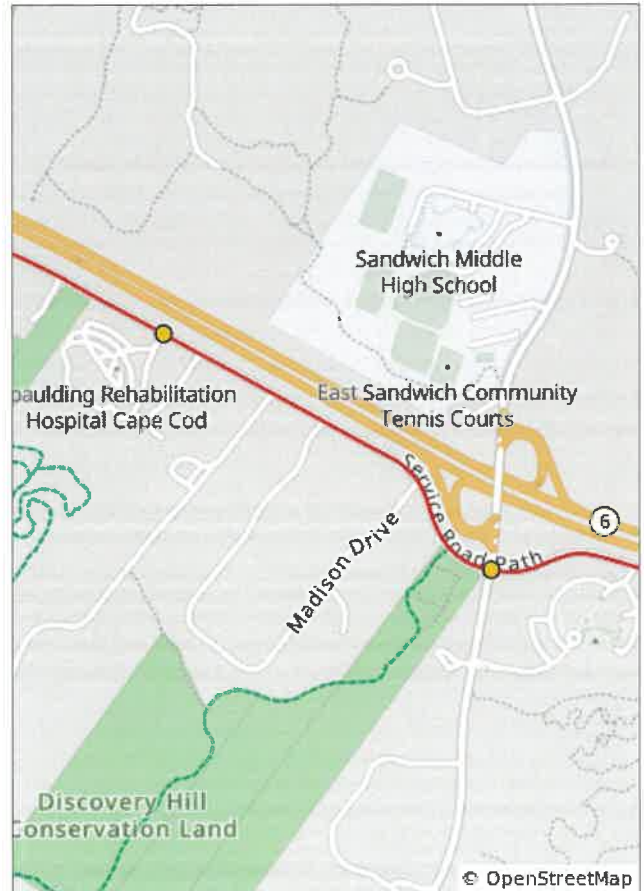
0.5 miles. +0/-1 feet

Num	Dist	Type	Note	Next
18.	11.2	↑	Under RT6	0.2
19.	11.4	←	L onto Service Rd	1.5



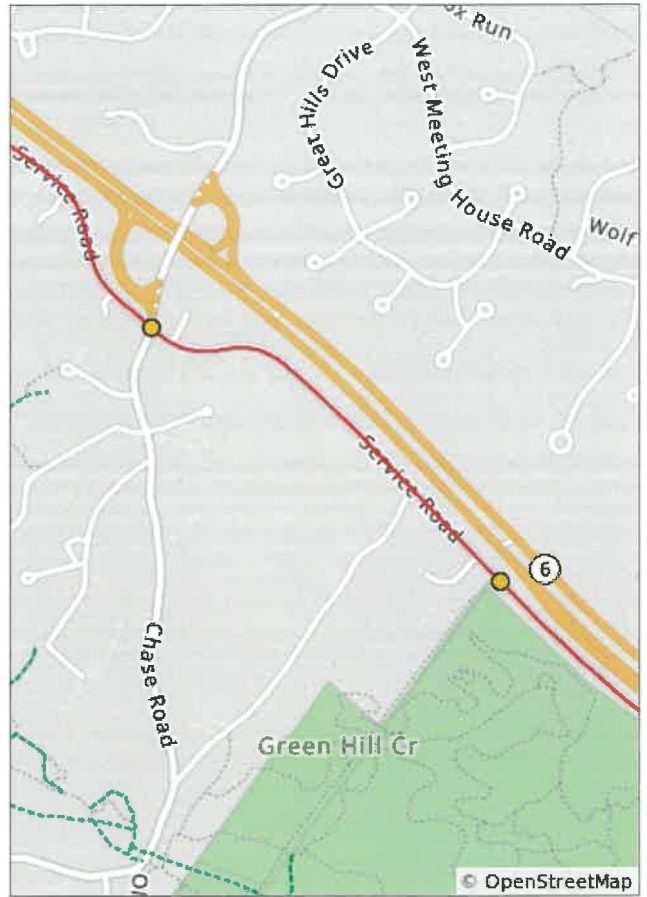
1.6 miles. +19/-0 feet

Num	Dist	Type	Note	Next
20.	12.9	💧	Rest Stop 1- Cape Cod Rehab Hospital Rest Stop 1- Cape Cod Rehab Hospital	0.6
21.	13.4	↑	Cross Quaker Meeting House Rd	2.2



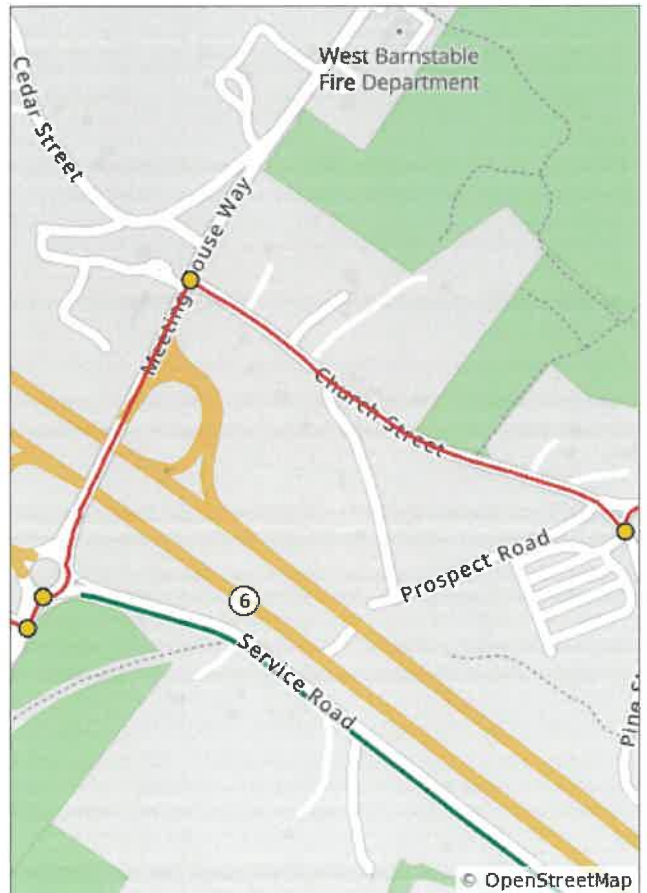
2.0 miles. +22/-27 feet

Num	Dist	Type	Note	Next
22.	15.6	↑	Cross Chase Rd	0.6
23.	16.2	i	Barnstable	1.8



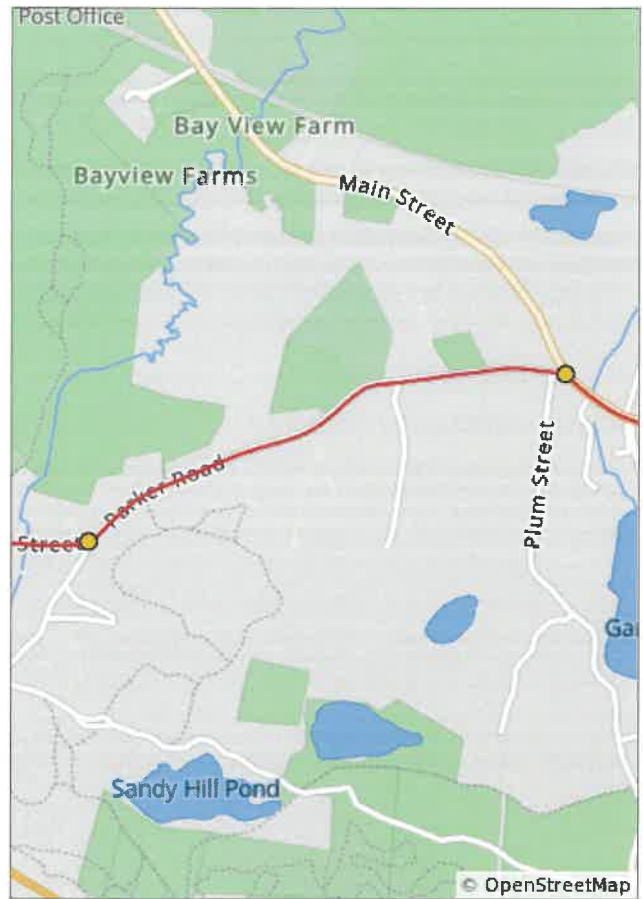
2.8 miles. +42/-1 feet

Num	Dist	Type	Note	Next
24.	18.0	←	L onto MA-149 N	0.0
25.	18.0	↑	At the traffic circle, continue straight to stay on MA-149 N	0.2
26.	18.3	→	R onto Church St	0.3
27.	18.6	←	L to stay on Church St	0.6



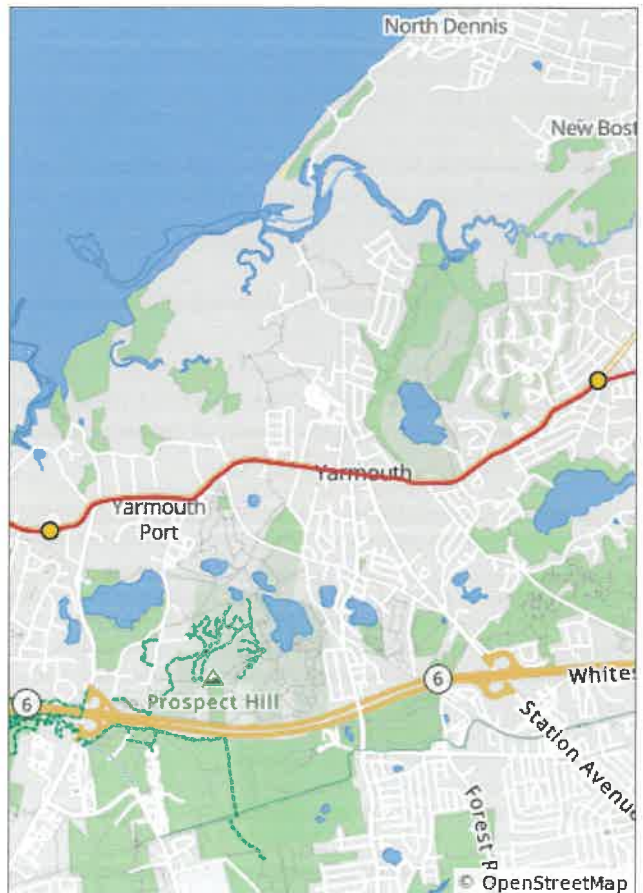
2.4 miles. +6/-45 feet

Num	Dist	Type	Note	Next
28.	19.2	↑	Continue straight onto Parker Rd	0.7
29.	19.9	→	Slight R onto Main St	5.4



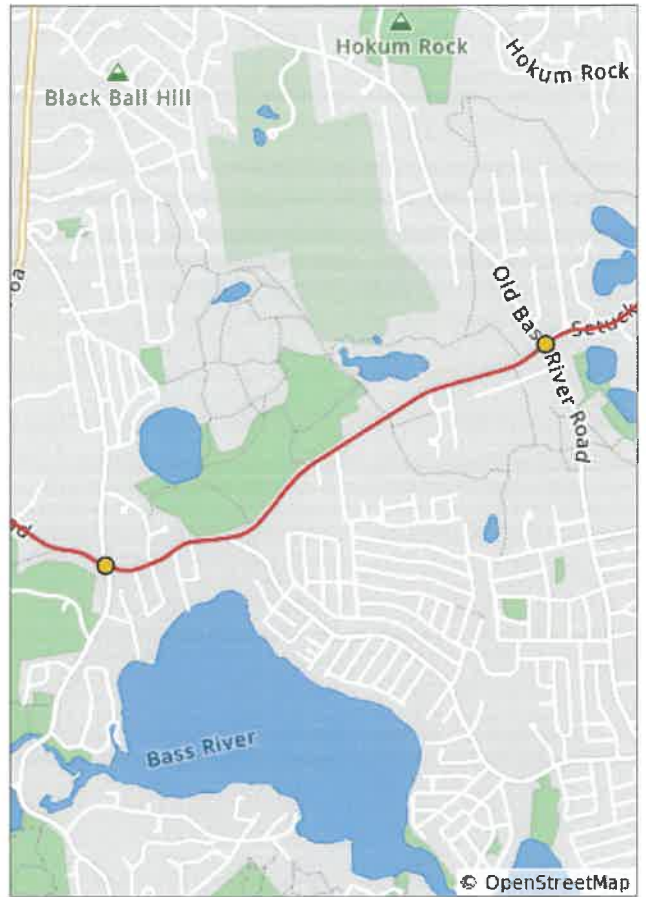
1.3 miles. +27/-26 feet

Num	Dist	Type	Note	Next
30.	25.3	<i>i</i>	Yarmouth	3.2
31.	28.5	→	Slight R onto Setucket Rd	0.7



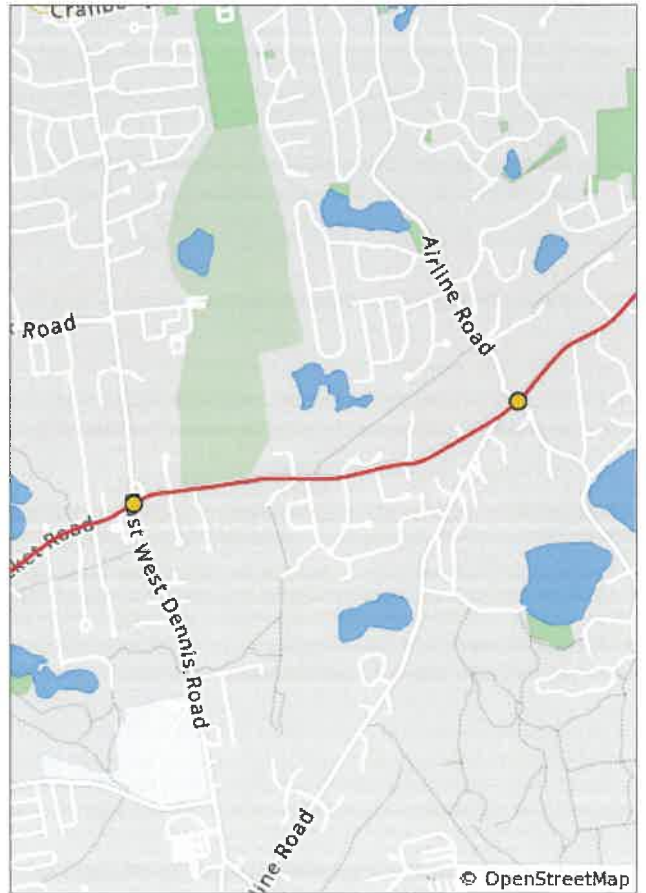
8.6 miles. +121/-120 feet

Num	Dist	Type	Note	Next
32.	29.2	↑	Cross N Dennis Rd	1.3
33.	30.6	↑	Cross Old Bass River Rd	0.6



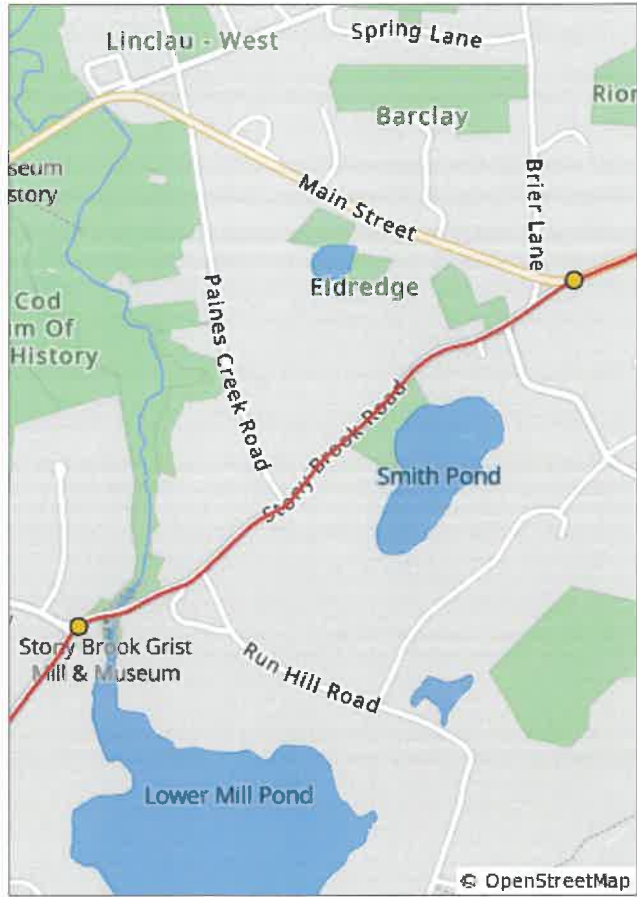
2.1 miles. +47/-40 feet

Num	Dist	Type	Note	Next
34.	31.2	↑	Cross RT 134	1.1
35.	32.2	↑	Continue onto Satucket Rd	1.8



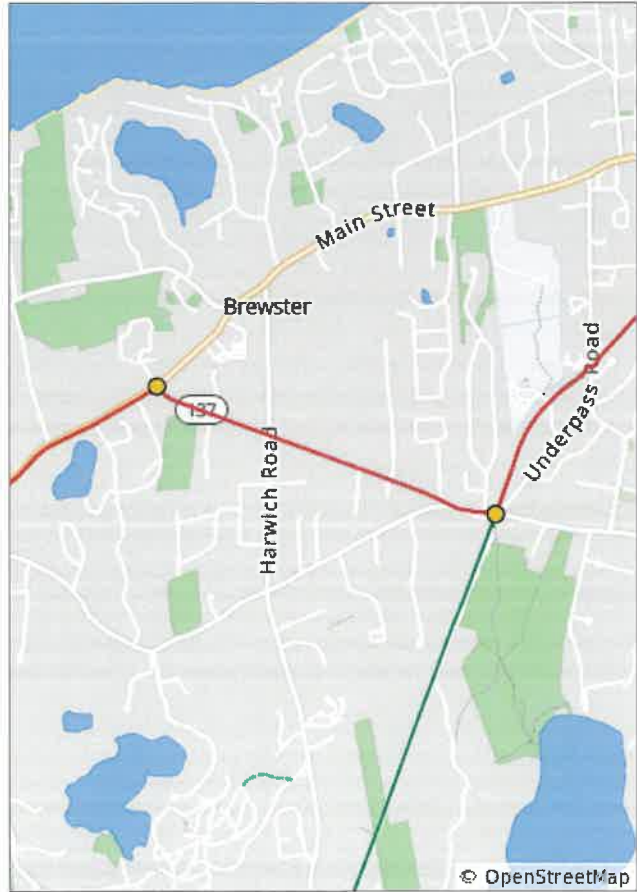
1.7 miles. +28/-12 feet

Num	Dist	Type	Note	Next
36.	34.0	↑	Continue onto Stony Brook Rd	0.8
37.	34.8	↑	Continue onto Main St	0.8



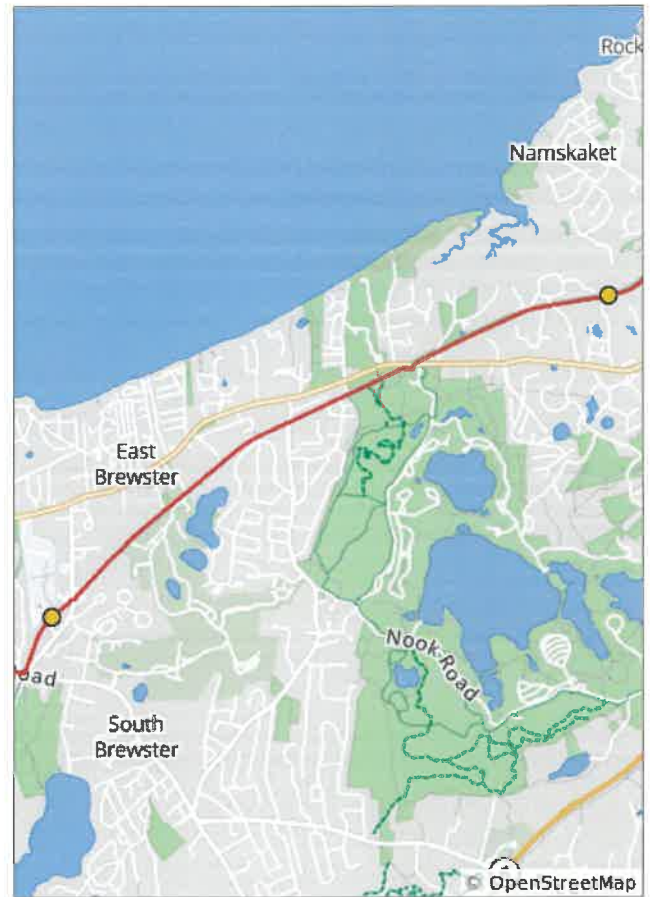
2.6 miles. +65/-44 feet

Num	Dist	Type	Note	Next
38.	35.6	→	R onto Long Pond Rd	1.0
39.	36.6	←	L onto Cape Cod Rail Trail	0.3



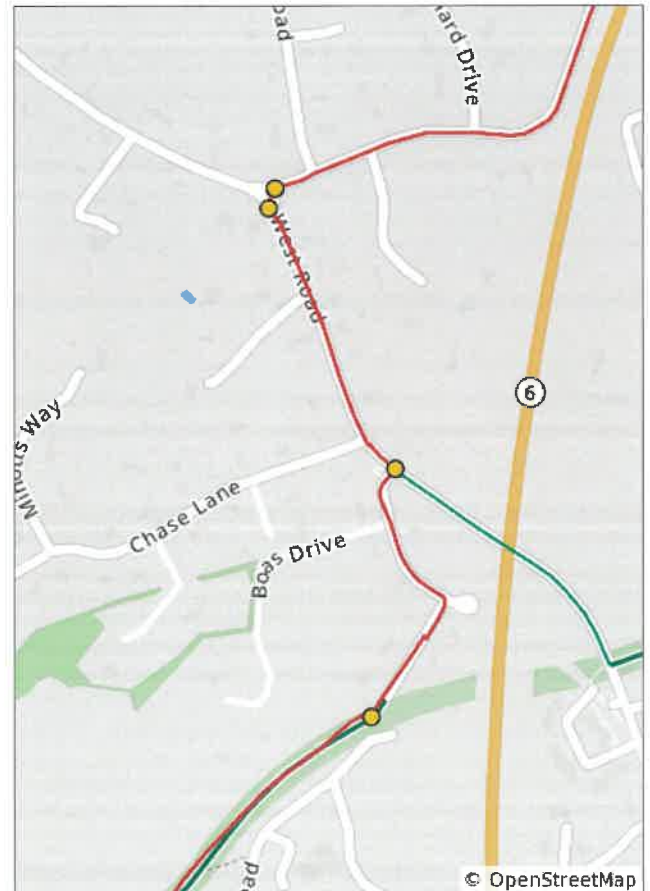
1.7 miles. +76/-3 feet

Num	Dist	Type	Note	Next
40.	36.9	ψ	Rest Stop 3-Stony Brook Elementary (Lunch) Rest Stop 3-Stony Brook Elementary (Lunch)	3.5
41.	40.4	i	Orleans	0.4



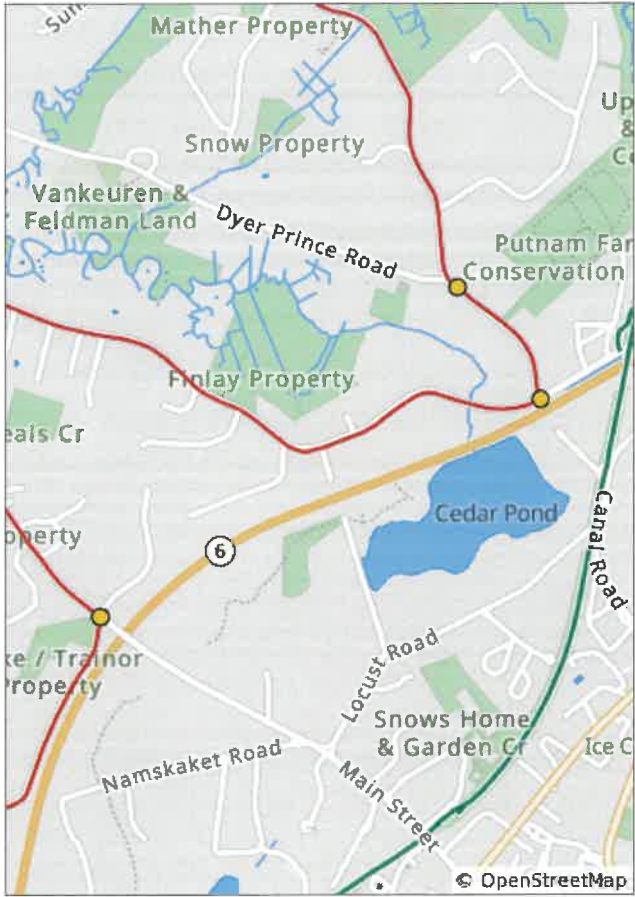
3.8 miles. +64/-152 feet

Num	Dist	Type	Note	Next
42.	40.8	←	L to stay on Cape Cod Rail Trail/Skaket Beach Rd	0.2
43.	41.0	←	L onto West Rd	0.2
44.	41.2	→	R toward Skaket Beach Rd	0.0
45.	41.2	→	R onto Skaket Beach Rd	0.5



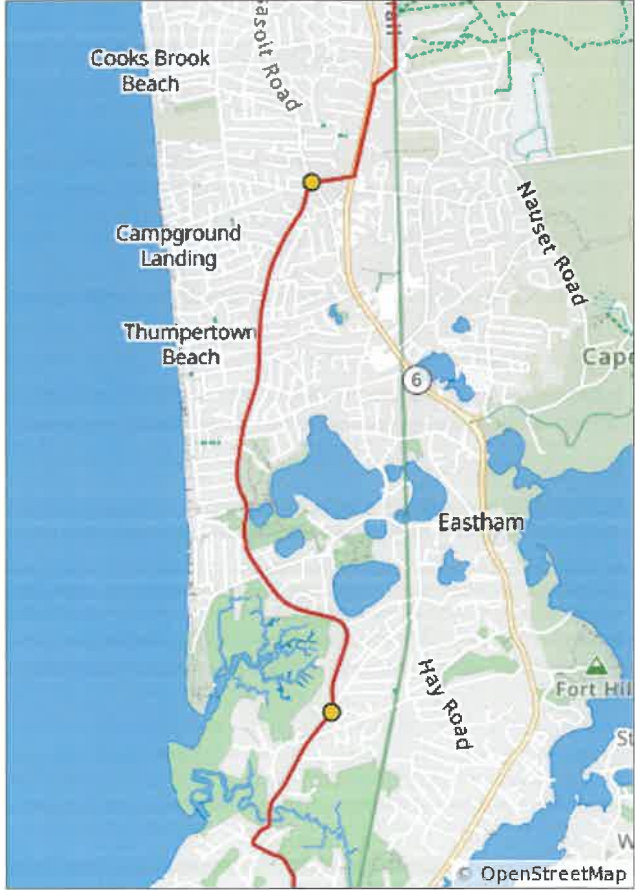
0.8 miles. +3/-26 feet

Num	Dist	Type	Note	Next
46.	41.6	←	L onto Rock Harbor Rd	1.4
47.	43.0	←	L onto Bridge Rd	0.2
48.	43.2	i	Eastham	1.4



2.1 miles. +26/-65 feet

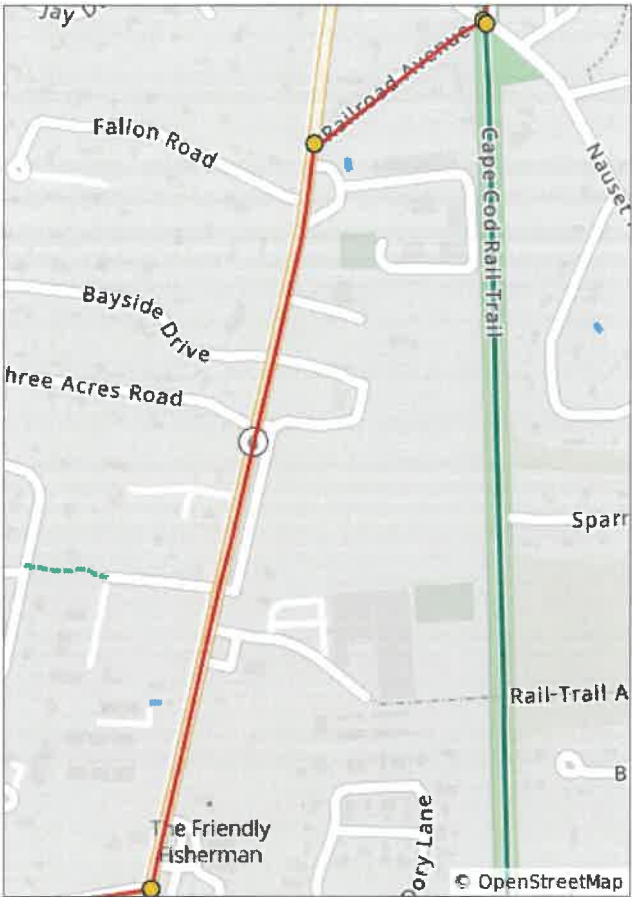
Num	Dist	Type	Note	Next
49.	44.6	←	Slight L onto Herring Brook Rd	3.2
50.	47.8	↑	Continue onto Oak Rd	0.2



4.6 miles. +99/-85 feet

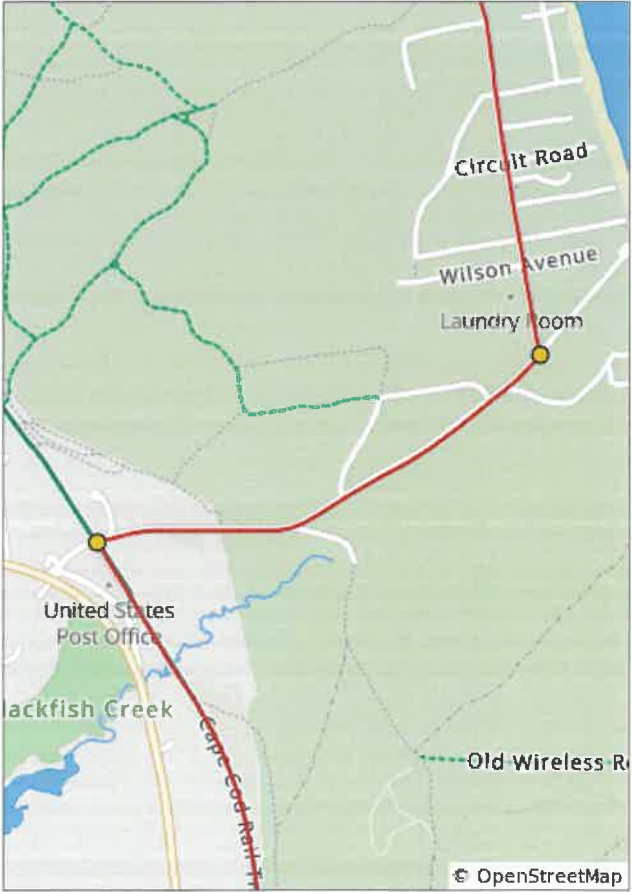


Num	Dist	Type	Note	Next
51.	48.0	←	L onto US-6 E	0.5
52.	48.5	→	R onto Railroad Ave	0.1
53.	48.7	→	R onto Nauset Rd	0.0
54.	48.7	←	L onto Cape Cod Rail Trl	3.7



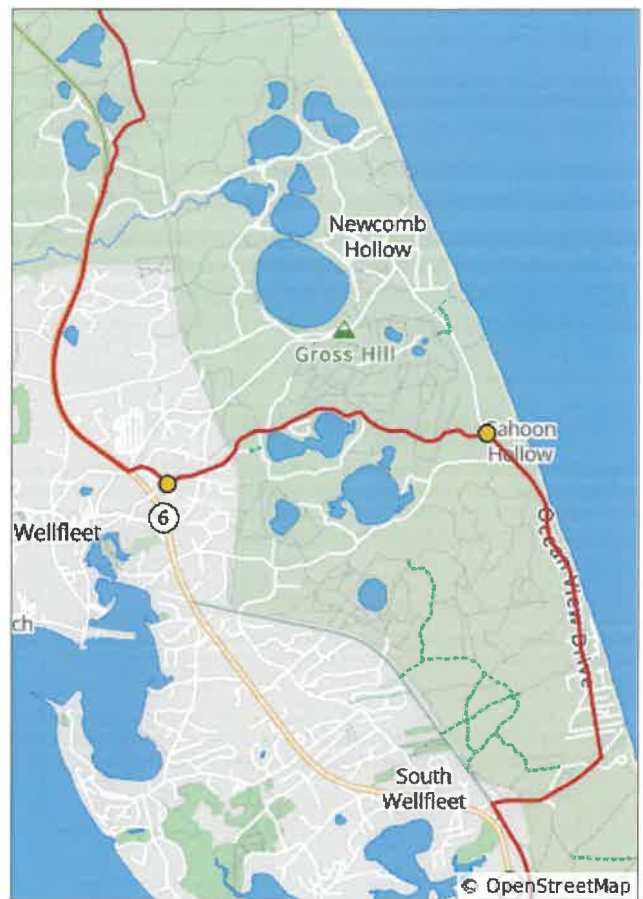
0.9 miles. +13/-4 feet

Num	Dist	Type	Note	Next
55.	52.3	→	R onto Lecount Hollow Rd	0.7
56.	53.0	←	L onto Ocean View Dr	1.9



4.3 miles. +24/-27 feet

Num	Dist	Type	Note	Next
57.	54.9	←	Slight L onto Long Pond Rd	1.9
58.	56.8	→	R onto Lawrence Rd	0.1



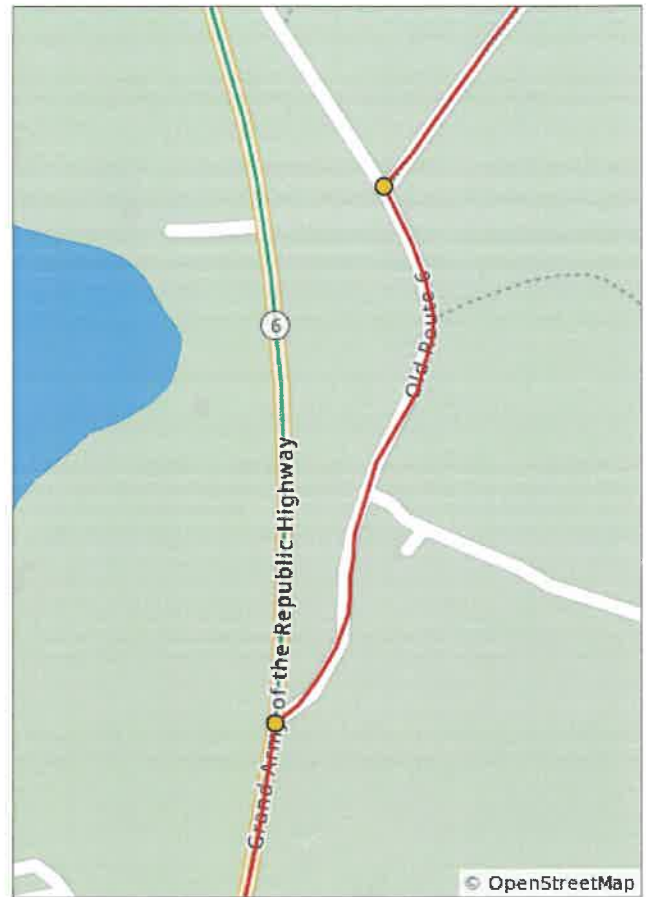
3.8 miles. +116/-138 feet

Num	Dist	Type	Note	Next
59.	56.8	←	Rest Stop 5-Wellfleet Elementary Rest Stop 5-Wellfleet Elementary	0.2
60.	57.0	→	R onto US-6 E	1.8



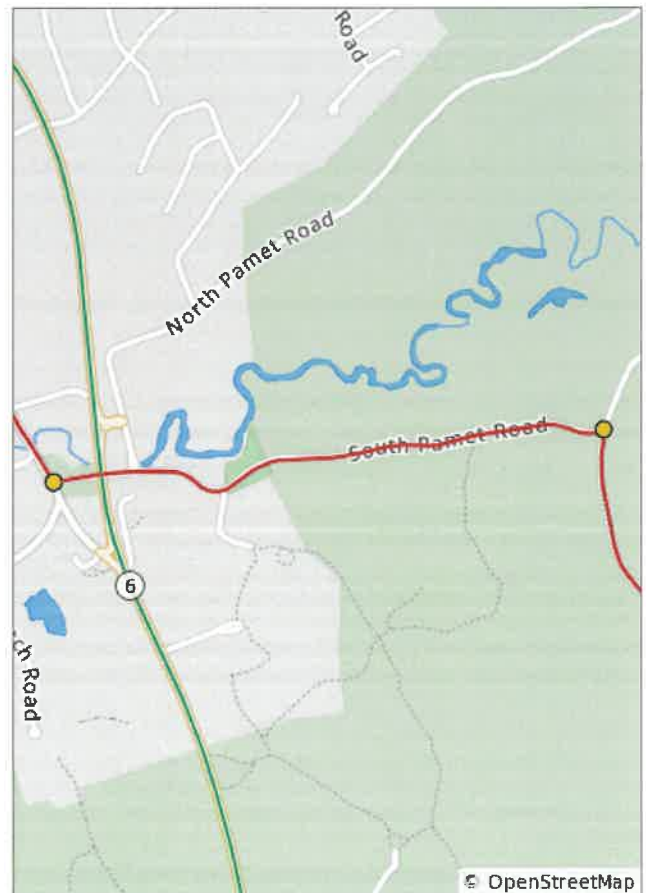
0.2 miles. +0/-30 feet

Num	Dist	Type	Note	Next
61.	58.8	→	Slight R onto Rose Rd	0.2
62.	59.0	→	R onto Collins Rd	2.1



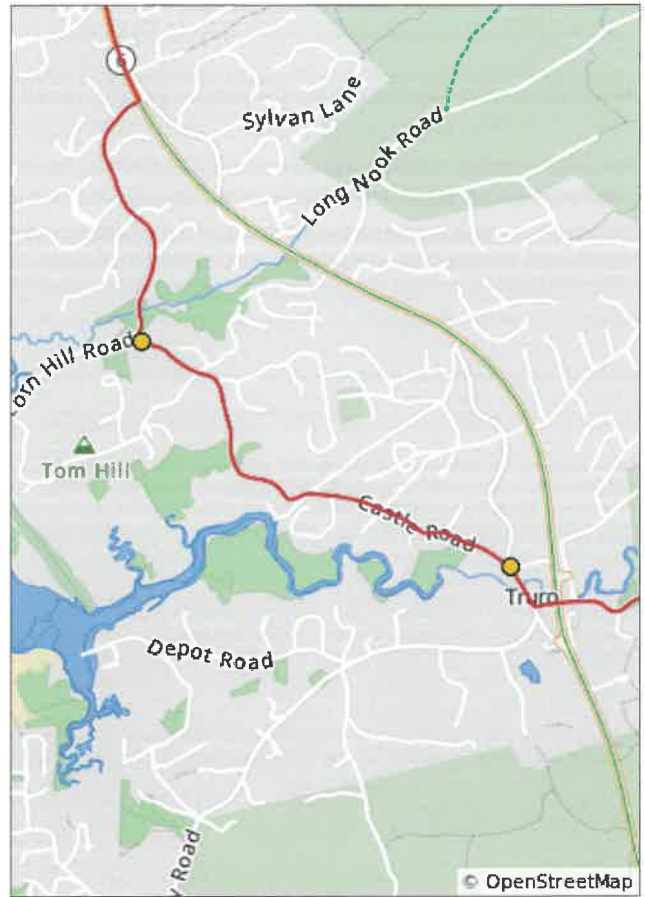
2.0 miles. +4/-11 feet

Num	Dist	Type	Note	Next
63.	61.1	←	L onto S Pamet Rd	0.7
64.	61.8	→	R onto Truro Center Rd	0.1



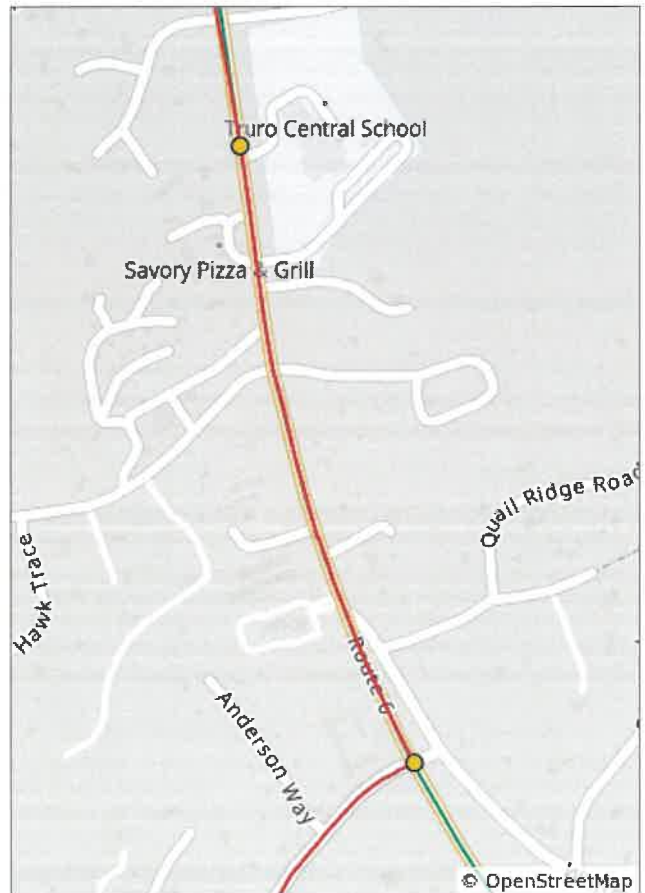
2.9 miles. +19/-28 feet

Num	Dist	Type	Note	Next
65.	62.0	←	Slight L onto Castle Rd	1.3
66.	63.2	→	Slight R to stay on Castle Rd	0.7



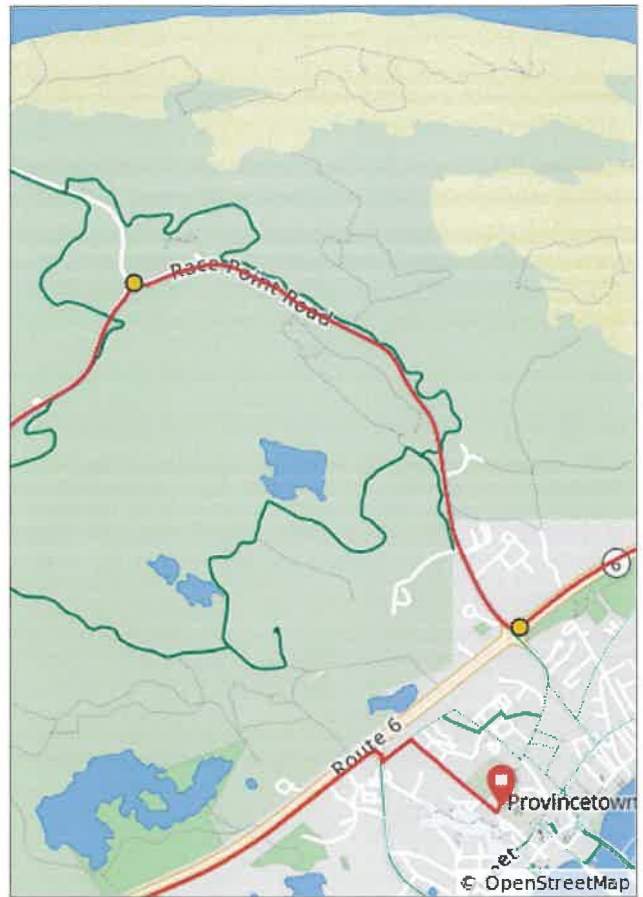
1.4 miles. +130/-114 feet

Num	Dist	Type	Note	Next
67.	63.9	←	L onto US-6 E	0.4
68.	64.4	🚰	Rest Stop 6- Truro Central School Rest Stop 6- Truro Central School	7.5



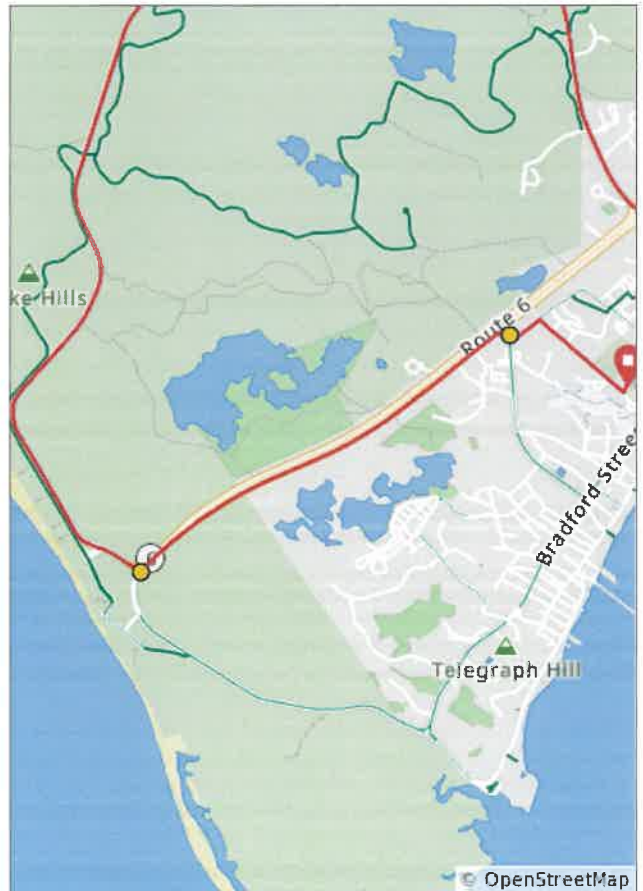
1.1 miles. +18/-16 feet

Num	Dist	Type	Note	Next
69.	71.9	→	R onto Race Point Rd	1.6
70.	73.5	←	L onto Province Lands Rd	2.3



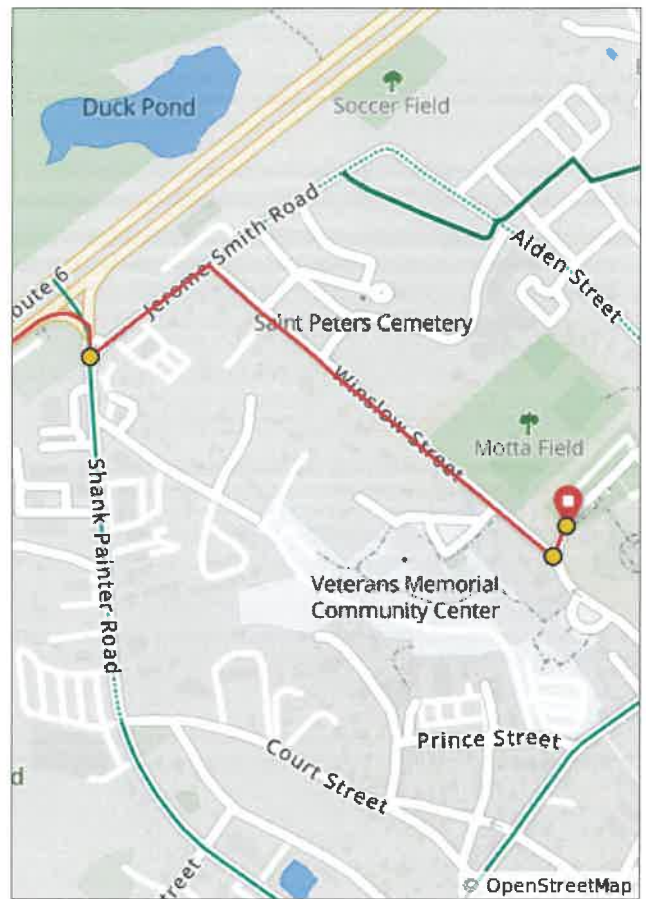
9.1 miles. +121/-71 feet

Num	Dist	Type	Note	Next
71.	75.8	←	L onto US-6 W	1.2
72.	76.9	→	R onto Shank Painter Rd	0.0



3.4 miles. +43/-51 feet

Num	Dist	Type	Note	Next
73.	76.9	←	L onto Jerome Smith Rd	0.4
74.	77.3	←	L onto High Pole Hill Rd	0.0
75.	77.4	📍	End of route	0.0



0.4 miles. +47/-3 feet



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

III

## PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	<b>Alexander Hay, Garrett Smythe, &amp; Sebastian Taffara; The Wicked Oyster, Inc.</b>
<b>DESIRED ACTION:</b>	<b>To approve the change of class from seasonal to annual for the new owners of the restaurant "The Wicked Oyster"</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the change of class from seasonal to annual all alcohol license to the Wicked Oyster located at 50 Main Street to Alexander Hay, Garrett Smyth and Sebastiona Taffara.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**WELLFLEET  
SELECTBOARD**

In accordance with MLG Chapter 138, notice is hereby given that the **Wellfleet Selectboard will hold a hybrid public hearing on Tuesday April 16, 2024**, 6pm via zoom and in person at 715 Old Kings Highway to vote and approve on the following:

- Application received February 26, 2024, from Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara; application for a change of class from seasonal to year-round All Alcohol License from TEK Restaurant Group, Inc. DBA: The Wicked Oyster; Kenneth W. Kozack, Treasurer/Manager & Eliza S. Fitts President/Manager., to Alexander Hay, Garrett Smythe, and Sebastian Taffara.
- To amend and vote on the options for the fees of the Building Department (*Documents of the changes can be found in the administration office at town hall*)

Published in The Provincetown Independent: March 7, 2024 & March 14, 2024

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

**Meeting ID:** 856 8960 4806

**Passcode:** 611877

**Dial by your location:** • +1 929 205 6099 US (New York)

**WELLFLEET SELECTBOARD**





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

**1. TRANSACTION INFORMATION**

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type  
(§12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

**2. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

**3. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number  FEIN

Entity Name

DBA  Manager of Record

Street Address

Phone  Email

Add'l Phone  Website

**4. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Total Sq. Footage	<input type="text" value="5250"/>	Seating Capacity	<input type="text" value="134"/>	Occupancy Number	<input type="text" value="145"/>
Number of Entrances	<input type="text" value="3"/>	Number of Exits	<input type="text" value="5"/>	Number of Floors	<input type="text" value="1"/>

**APPLICATION FOR A TRANSFER OF LICENSE**

**5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

Transferor Entity Name  By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Eliza S Fitts"/>	<input type="text" value="President/Manager"/>	<input type="text" value="50%"/>
<input type="text" value="Kenneth W Kozack"/>	<input type="text" value="Treasurer/Manager"/>	<input type="text" value="50%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises(Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Alexander Bradford Hay"/>	<input type="text" value="110 Herring River Rd Wellfleet, MA 02667"/>	<input type="text" value="REDACTED"/>	<input type="text" value="09/20/1978"/>
<b>Title and or Position</b>	<b>Percentage of Ownership</b>	<b>Director/ LLC Manager</b>	<b>US Citizen</b>
<input type="text" value="President"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>MA Resident</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No		
<input type="text" value="Garrett William Smythe"/>	<input type="text" value="50 Alston Ave Eastham, MA 02642"/>	<input type="text" value="REDACTED"/>	<input type="text" value="08/09/1982"/>
<input type="text" value="Manager"/>	<input type="text" value="25%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<b>MA Resident</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No		
<input type="text" value="Sebastien C Taffara"/>	<input type="text" value="15 Seaview Rd Eastham, MA 02642"/>	<input type="text" value="REDACTED"/>	<input type="text" value="11/05/1985"/>
<input type="text" value="Manager"/>	<input type="text" value="25%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>MA Resident</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Title and or Position</b>	<b>Percentage of Ownership</b>	<b>Director/ LLC Manager</b>	<b>US Citizen</b>
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<b>MA Resident</b>	<input type="radio"/> Yes <input type="radio"/> No		

**APPLICATION FOR A TRANSFER OF LICENSE**

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)**

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Alexander B Hay	On Premise	Mac's Shack	
Alexander B Hay	On Premise	Mac's Fish House	

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
Yes [ ] No [x] If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Table with 4 columns: Date of Action, Name of License, City, Reason for suspension, revocation or cancellation. The table is currently empty.

7. CORPORATE STRUCTURE

Entity Legal Structure: Corporation; Date of Incorporation: Feb 19, 2024; State of Incorporation: MA; Is the Corporation publicly traded? No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
• If leasing or renting the premises, a signed copy of the lease is required.
• If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
• If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises: Lease
Landlord Name: 4050 Main LLC; Landlord Phone: 508-255-5300; Landlord Email: invoices@wellfleetshell.com; Landlord Address: PO Box 1857 North Eastham, MA 02651; Lease Beginning Date: 04/01/2024; Rent per Month: 20,000; Lease Ending Date: 12/31/2044; Rent per Year: 240,000; Will the Landlord receive revenue based on percentage of alcohol sales? No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name: Alexander Hay; Phone: 509-737-9465; Title: President; Email: alex@wellfleetshell.com

**APPLICATION FOR A TRANSFER OF LICENSE**

**10. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	2,400,000
B. Purchase Price for Business Assets	250,000
C. Other* (Please specify)	150,000
D. Total Cost	2,800,000

\*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Wellfleet Shellfish Company Inc.	900,000
<b>Total</b>	<b>900,000</b>

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Farm Credit East	2,200,000 Approx	Mortgage/LOC	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Wellfleet Shellfish Co., sister company, will provide up to 900k to fund the purchase and supply start up operating costs as an unsecured short term credit as needed.  
 Farm Credit will provide approximately 2.2mm as a secured mortgage on the real property and assets. Loan is contingent on transfer of licenses.

**11. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM  
 APPLICATION FOR A TRANSFER OF LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

For the following transactions (Check all that apply):

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> New License                                   | <input type="checkbox"/> Change of Location   | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License                | <input type="checkbox"/> Alteration of Licensed Premises  | <input type="checkbox"/> Change of License Type (i.e. dub / restaurant)      | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager                             | <input type="checkbox"/> Change Corporate Name  | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt)    | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder          | <input type="checkbox"/> Change of Hours                              |
|  |   | <input type="checkbox"/> Other <input type="text"/>                          | <input type="checkbox"/> Change of DBA                                |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3  
 Chelsea, MA 02150-2358

**12. MANAGER APPLICATION**

**A. MANAGER INFORMATION**

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

**B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?\*  Yes  No \*Manager must be a U.S. Citizen  
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**C. EMPLOYMENT INFORMATION**

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
04/2012	CURRENT	Owner/President	Wellfleet Shellfish Co. Inc.	N/A
05/1995	12/2020	Owner/Dir Operations	WHSC Inc/Mac's Seafood	N/A

**D. PRIOR DISCIPLINARY ACTION**

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

**13. MANAGEMENT AGREEMENT**

Are you requesting approval to utilize a management company through a management agreement?

Yes  No

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

**13A. MANAGEMENT ENTITY**

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes  No

If yes, attach an affidavit providing the details of any and all convictions.

**13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality



**13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

**13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

**13F. TERMS OF AGREEMENT**

- a. Does the agreement provide for termination by the licensee? Yes  No
- b. Will the licensee retain control of the business finances? Yes  No
- c. Does the management entity handle the payroll for the business? Yes  No
- d. Management Term Begin Date  e. Management Term End Date
- f. How will the management company be compensated by the licensee? (check all that apply)
  - \$ per month/year (indicate amount)
  - % of alcohol sales (indicate percentage)
  - % of overall sales (indicate percentage)
  - other (please explain)

**ABCC Licensee Officer/LLC Manager**

Signature:

Title:

Date:

**Management Agreement Entity Officer/LLC Manager**

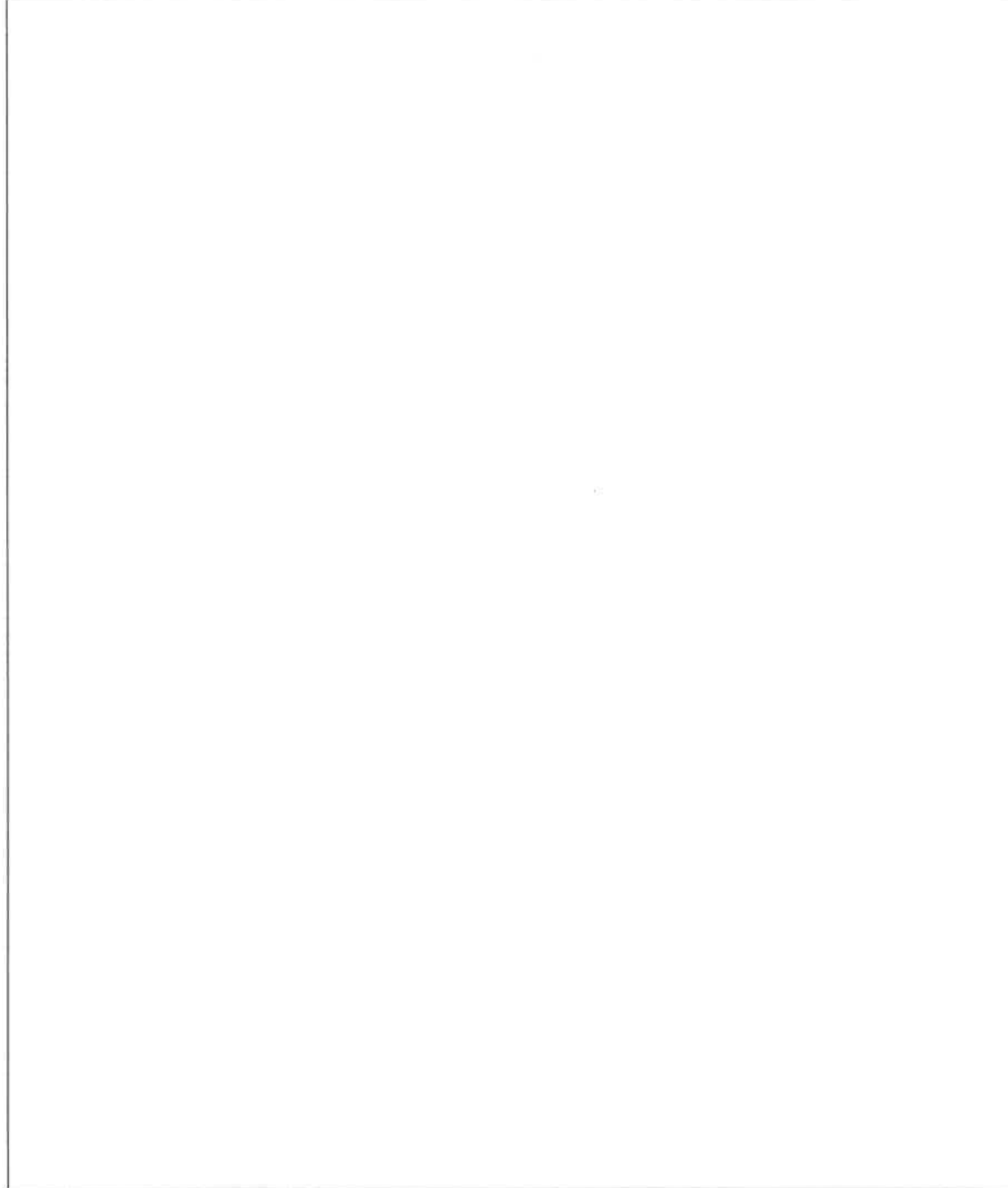
Signature:

Title:

Date:

### **ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

A large, empty rectangular box with a thin black border, intended for the applicant to provide additional information or clarify previous answers. The box is currently blank.

**APPLICANT'S STATEMENT**

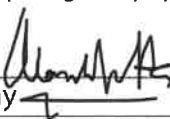
I,  the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of   
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:   Digitally signed by Alex Hay  
Date: 2024.02.21 14:27:18 -05'00' Date:

Title:

**CORPORATE VOTE**

The Board of Directors or LLC Managers of  Entity Name  
duly voted to apply to the Licensing Authority of  and the  
City/Town  
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on   
Date of Meeting

For the following transactions (Check all that apply):

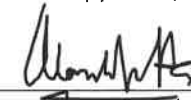
- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/  
Directors/LLC Managers
- Change of Ownership Interest  
(LLC Members/ LLP Partners,  
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

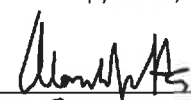
"VOTED: To authorize   
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint   
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,  
  
\_\_\_\_\_  
Corporate Officer / LLC Manager Signature  
  
Alexander B Hay  
\_\_\_\_\_  
(Print Name)

For Corporations ONLY  
A true copy attest,  
  
\_\_\_\_\_  
Corporation Clerk's Signature  
  
Alexander B Hay  
\_\_\_\_\_  
(Print Name)

**ADDENDUM A**

**6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed)
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
If yes, attach an affidavit providing the details of any and all convictions.

Yes  No



# FARM CREDIT EAST, ACA

67 Bedford Street, Middleboro MA 02346  
800.946.0506 | 508.946.4455 | FarmCreditEast.com

Feb. 23, 2024

Wellfleet Shellfish Company, Inc  
137 Holmes Rd  
Eastham, MA 02642

## **\*\*Approval Letter\*\***

I'm pleased to share with you that you are approved for short-term financing, per your request with Farm Credit East, ACA (Lender).

### Short Term Revolving Loan Total Approved Commitment:

- Operating: \$750,000
- Capital: \$350,000
- Overline Controlled: \$600,000

### Loan Collateral:

- Wellfleet Shellfish Company NMFS Surf Clam Allocation – C-8290
- Wellfleet Shellfish Company Accounts Receivable and Inventory
- 110 Herring River Rd, Wellfleet MA 02667
- F/V Ruth & Gail, ON: 909088
- F/V Ruth & Gail MA Permit #173594

### Parties to the Proposed Loan (collectively, Borrower(s)):

- Alex Hay
- Elspeth Hay
- F/V Ruth & Gail, Inc.
- Wellfleet Shellfish Company, Inc.

Not A Final Commitment: This approval is not a final commitment, and any final commitment will be subject to additional terms and conditions. Conditions will include, but are not limited to, finalized signed loan documents, including, but not limited to a signed loan application and agreement.

This approval expires on April 1, 2024, unless extended in writing by Lender. Please reach out with any questions. I look forward to working with you.

Sincerely,

Katelyn Landers  
Loan Officer  
Farm Credit East, ACA



LOANS & LEASES • PAYROLL • TAX SERVICES • RECORD-KEEPING  
BENCHMARKS • APPRAISALS • ESTATE PLANNING • PROFITABILITY CONSULTING  
CROP INSURANCE • COUNTRY HOME LOANS • KNOWLEDGE EXCHANGE





JEAN M. LORIZIO, ESQ.  
CHAIRMAN

Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, MA 02150

**CORI REQUEST FORM**

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

**ABCC LICENSE INFORMATION**

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00040-RS-1348	LICENSEE NAME:	The Wicked Oyster	CITY/TOWN:	Wellfleet
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**APPLICANT INFORMATION**

LAST NAME:	HAY	FIRST NAME:	ALEXANDER	MIDDLE NAME:	BRADFORD
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	NORWOOD, MA		
DATE OF BIRTH:	09/20/1978	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	BRADFORD	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	MA
GENDER:	MALE	HEIGHT:	6 0	WEIGHT:	210
				EYE COLOR:	BLUE
CURRENT ADDRESS:	110 HERRING RIVER RD				
CITY/TOWN:	WELLFLEET	STATE:	MA	ZIP:	02667
FORMER ADDRESS:	361 MAIN ST				
CITY/TOWN:	WELLFLEET	STATE:	MA	ZIP:	02667

**PRINT AND SIGN**

PRINTED NAME:	ALEXANDER B HAY	APPLICANT/EMPLOYEE SIGNATURE:	
---------------	-----------------	-------------------------------	--

**NOTARY INFORMATION**

On this 02/27/2024 before me, the undersigned notary public, personally appeared Alexander B HAY  
(name of document signer), proved to me through satisfactory evidence of identification, which were MASS. DRIVERS LICENSE  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

NOTARY

**DIVISION USE ONLY**

REQUESTED BY:	
	<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>

The DCI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 660-4614.





Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, MA 02150

JEAN M. LORIZIO, ESQ.  
CHAIRMAN

CORI REQUEST FORM

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**ABCC LICENSE INFORMATION**

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00040-RS-1348	LICENSEE NAME:	THE WICKED OYSTER	CITY/TOWN:	WELLFLEET
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**APPLICANT INFORMATION**

LAST NAME:	TAFFARA	FIRST NAME:	SEBASTIEN	MIDDLE NAME:	CLAUDE
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	SAINT-LO, FRANCE		
DATE OF BIRTH:	11/05/1985	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	MARIE	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	MA
GENDER:	MALE	HEIGHT:	5' 10"	WEIGHT:	175
				EYE COLOR:	BROWN
CURRENT ADDRESS:	15 SEAVIEW RD				
CITY/TOWN:	EASTHAM	STATE:	MA	ZIP:	02642
FORMER ADDRESS:	584 MASSASOIT RD				
CITY/TOWN:	EASTHAM	STATE:	MA	ZIP:	02642

**PRINT AND SIGN**

PRINTED NAME:	SEBASTIEN C TAFFARA	APPLICANT/EMPLOYEE SIGNATURE:	<i>Sebastien Taffara</i>
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**NOTARY INFORMATION**

On this 02/27/2024 before me, the undersigned notary public, personally appeared SEBASTIEN C. TAFFARA  
(name of document signer), proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*[Signature]*  
NOTARY

**DIVISION USE ONLY**

REQUESTED BY:	[REDACTED]
	<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>

The DCI Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 660-4614.







Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, MA 02150

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CHAIRMAN

CORI REQUEST FORM

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**ABCC LICENSE INFORMATION**

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00040-RS-1348	LICENSEE NAME:	THE WICKED OYSTER	CITY/TOWN:	WELLFLEET
---	---------------	----------------	-------------------	------------	-----------

**APPLICANT INFORMATION**

LAST NAME:	SMYTHE	FIRST NAME:	GARRETT	MIDDLE NAME:	WILLIAM
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	MD		
DATE OF BIRTH:	08/09/1982	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	ROBERTS	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	MA
GENDER:	MALE	HEIGHT:	5' 11"	WEIGHT:	175
				EYE COLOR:	HAZ
CURRENT ADDRESS:	50 ALSTON AVE				
CITY/TOWN:	EASTHAM	STATE:	MA	ZIP:	02642
FORMER ADDRESS:	45 MAGNUS AVENUE				
CITY/TOWN:	SOMERVILLE	STATE:	MA	ZIP:	02143

**PRINT AND SIGN**

PRINTED NAME:	GARRETT W SMYTHE	APPLICANT/EMPLOYEE SIGNATURE:	[Signature]
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**NOTARY INFORMATION**

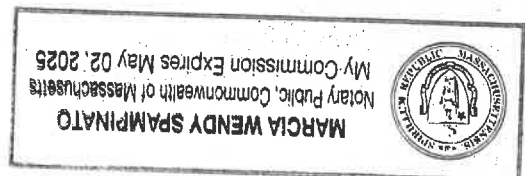
On this 02/27/2024 before me, the undersigned notary public, personally appeared GARRETT SMYTHE  
(name of document signer), proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

[Signature] NOTARY

**DIVISION USE ONLY**

REQUESTED BY:	[Signature]
	<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.



**Mail body: Fwd: Liquor Transfer Application**

---

----- Forwarded message -----

From: Alex Hay <[Alex@wellfleetshell.com](mailto:Alex@wellfleetshell.com)>

Date: Mon, Feb 26, 2024 at 2:10 PM

Subject: Liquor Transfer Application

To: sebastien taffara <[sebastientaffara@gmail.com](mailto:sebastientaffara@gmail.com)>

Seb,

Call me once you print everything and I will go over each section so you know what is what. Thanks -A

Attached:

- \$200 Monetary Transmittal Form
- DOR Certificate of Good Standing This must be obtained by the seller, not the buyer.
- DUA Certificate of Compliance This must be obtained by the seller, not the buyer.
- Transfer Application
- Manager Application
- Vote of the Entity
- Business Structure Documents/Articles of Organization from the Secretary of the Commonwealth
- CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. This form must be notarized with a stamp or raised seal.
- Purchase and Sales Agreement
- Proof of Citizenship for the proposed Manager of Record.
- Supporting Financial Records for all financing and or loans
- Floor Plan
- Advertisement (NOT YET)

**PURCHASE AND SALE AGREEMENT  
OF COMMERCIAL REAL ESTATE**

Agreement made this 14<sup>th</sup> day of February, 2024.

**1. Parties**

**WICKED ON MAIN, LLC**, a Massachusetts limited liability company having a mailing address of 50 Main Street, Wellfleet, MA 02667, hereinafter called the "Seller", agree to SELL and

**4050 MAIN STREET LLC**, a Massachusetts limited liability company (or its nominee), with a mailing address of P.O. Box 1857, North Eastham, MA 02651, hereinafter called the "Buyer" agree to BUY, upon the terms hereinafter set forth, the following described premises:

**Land with the buildings thereon located at 40 and 50 Main Street, Wellfleet, MA 02667 (the "Premises"). For further description, see Deed recorded at the Barnstable County Registry of Deeds in Book 28894, Page 97.**

**2. Deed.** Said Premises are to be conveyed by a good and sufficient quitclaim deed running to the Buyer or to the nominee designated by the Buyer by written notice to the Seller at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (c) Any liens for municipal betterments assessed after the date of this agreement; and
- (d) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the present use of said Premises.

**3. Buildings, Structures, Improvements, Fixtures.** Included in the sale as a part of the Premises are the buildings, structures and improvements now thereon, and the fixtures used in connection therewith, including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposals, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, burglar and fire alarm systems, refrigerators, air conditioning equipment, ventilators, and dishwashers, the Premises being sold "as is" and "where is".

Seller shall at the closing deliver to Buyer all existing keys to the Premises in their possession and all necessary security codes for alarm systems on said Premises.

**4. Plans.** If said deed refers to a plan necessary to be recorded therewith the Seller shall deliver such plan with the deed in form adequate for recording or registration.

**5. Registered Title.** In addition to the foregoing, if the title to said Premises is registered, said deed shall be in form sufficient to entitle the Buyer to a Certificate of Title of said Premises, and the Seller shall deliver with said deed all instruments, if any, necessary to enable the Buyer to obtain such Certificate of Title.

6. **Purchase Price.** The agreed purchase price for said Premises is **TWO MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$2,650,000.00)** (the "Purchase Price"), of which:

\$25,000.00	was previously with the Offer as a binder;
\$75,000.00	has been paid as an additional deposit upon executing this Agreement; and
\$2,550,000.00	to be paid at the time of delivery of the deed by attorney's IOLTA check or wire transfer.
\$2,650,000.00	<b>TOTAL</b>

Buyer and Seller agree that within fourteen (14) days following the execution of this Agreement, this Agreement and the APA will be amended to reflect the agreement of Buyer, Seller and Asset Seller as to the allocation of the total purchase price between the Premises and the Subject Assets.

7. **Time For Performance.** Such deed is to be delivered on or before eleven o'clock a.m. on the date which is fourteen (14) business days from the final approval date by the ABCC and the Town of Wellfleet for the approval of a year round liquor license from **TEK RESTAURANT GROUP, INC.** (the "Asset Seller") to Buyer (or his nominee) (the "Asset Buyer") at the offices of Buyer's attorney or Buyer's lender's attorney, or at such other place, date, or time as may be fixed by mutual agreement of the parties but in any event no later than 90 days after the execution of this Agreement absent mutual agreement of the parties. The parties agree that neither the Seller nor the Seller's attorney shall be required to physically attend the closing and agree to facilitate delivery of the necessary closing documents to Buyer's attorney via recognized overnight delivery service (i.e., FedEx, UPS). It is agreed that time is of the essence of this Agreement. In the event that Buyer is unable to obtain approval of the transfer or issuance of the liquor license on or before the 90<sup>th</sup> day after execution of this Agreement, then upon written notice to Seller all deposits paid under this Agreement shall be refunded to Buyer and this Agreement shall terminate without further recourse to the parties hereto.

8. **Possession and Condition of Premises.** Full possession of said Premises free from all tenants and occupants is to be delivered at the time of the delivery of the deed, the Premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in Paragraph 2 hereof. The Buyer shall be entitled to personally inspect the Premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.

9. **Extension to Perfect Title.** If the Seller shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, then the Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, as the case may be, and thereupon the time for performance hereunder shall be extended for a period of thirty (30) days; provided, however, that any such extension is not beyond Buyer's financing commitment date. Seller's "reasonable efforts", shall be limited to, and Seller shall not be obligated to expend more than \$13,250.00 (1/2 of 1% of the purchase price), exclusive of the actual cost to discharge liens of record and pay deed excise stamps, real and personal property taxes, and final utility bills.

10. **Failure to Perfect Title or Make Premises Conform, etc.** If at the expiration of

the extended time the Seller shall have failed to so remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on the Premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties.

**11. Buyer's Election to Accept Title.** The Buyer shall have the election, at either the original or any extended time for performance, to accept such title as the Seller can deliver to the said Premises and to pay therefore the purchase price without deduction, in which case the Seller shall convey such title except that in the event of such conveyance in accord with the provisions of this clause, if the said Premises shall have been damaged by fire or casualty insured against, then the Seller shall, unless the Premises have previously been restored to their former condition, either

(a) pay over or assign to the Buyer, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the Seller for any partial restoration, or

(b) if a holder of a mortgage on said Premises shall not permit the insurance proceeds or a part thereof to be used to restore the said Premises to their former condition or to be so paid over or assigned, give to the Buyer a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the Seller for any partial restoration.

**12. Acceptance of Deed.** The acceptance and recording of a deed by the Buyer or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

**13. Use of Money to Clear Title.** To enable the Seller to make conveyance as herein provided, the Seller may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, or at such later time as shall be reasonably acceptable to Buyer, and provided further, with respect to discharges of mortgages from insurance companies, banks, credit unions, and other institutional lenders, such discharges may be recorded within a reasonable time after the recording of the deed, in accordance with Barnstable County conveyancing practices.

**14. Insurance.** Until the delivery of the deed, the Seller shall cause the Asset Seller to maintain the present insurance coverage on said Premises in accordance with the lease.

**15. Adjustments.** Water use charges and taxes for the then current fiscal year shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the Buyer at the time of delivery of the deed.

**16. Adjustment of Unassessed and Abated Taxes.** If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be

apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

17. **Broker's Fee, Broker as Party and Warranty.** The Buyer shall pay the commission due to the broker, GJSW, Inc. dba Premier Commercial, in accordance with a separate agreement between them, only after recording of deed and disbursement of fees, and only if, as and when the SELLER receives the full purchase price pursuant to this Agreement, but not otherwise and regardless of the reason for failing to close hereunder.

The Broker named herein, GJSW, Inc. dba Premier Commercial, joins in this Agreement and becomes party hereto, insofar as any provisions of this agreement expressly apply to said Broker, and to any amendments or modifications of such provisions to which said Broker agrees in writing.

The Broker named herein, GJSW, Inc. dba Premier Commercial, warrants that said Broker is duly licensed as such by the Commonwealth of Massachusetts.

18. **Deposits.** All deposits made hereunder shall be held in escrow by GJSW, Inc. dba Premier Commercial, as escrow agent subject to the terms of this Agreement and shall be duly accounted for at the time for performance of this Agreement. In the event of any disagreement between the parties, the escrow agent shall retain all deposits made under this Agreement pending instructions mutually given by the Seller and the Buyer, or by a Court of competent jurisdiction.

19. **Buyer's Default Damages.** If the Buyer shall fail to fulfill the Buyer's agreements herein, all deposits made hereunder by the Buyer shall be retained by the Seller as liquidated damages. This shall be Seller's sole remedy at law or in equity for any breach of this Agreement. The parties acknowledge and agree that Seller have no adequate remedy in the event of Buyer's default under this agreement because it is impossible to exactly calculate the damages which would accrue to Seller in such event. Therefore the parties agree that (i) the deposit hereunder is the best estimate of such damages which would accrue to Seller in the event of default, (ii) said deposit represents damages and not a penalty against the Buyer, and (iii) the parties have been afforded the opportunity to consult an attorney with regard to the provisions of this paragraph.

20. **Liability of Trustee, Shareholder, Beneficiary, etc.** If the Seller or Buyer executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the Seller or Buyer so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

21. **Warranties and Representations.** The Buyer acknowledges that the Buyer has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this Agreement or previously made in writing.

22. **Construction of Agreement.** This Agreement, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled modified or amended only by a written instrument executed by both the Seller and the Buyer. If two or more persons are named herein as Buyer their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered part of this Agreement.

23. **Financing Contingency.** This Agreement is contingent upon Buyer obtaining a commitment from a recognized lending institution (which may include the SBA) for a \$2,252,500.00 mortgage at prevailing rates, terms and conditions. Buyer agrees to use Buyer's best efforts to obtain such commitment. If, despite Buyer's efforts, Buyer is unable to obtain such commitment on or before March 16, 2024 (the "Contingency Date"), Buyer shall notify Seller on or before 5PM on the Contingency Date, and thereupon all deposits made hereunder shall be refunded and the obligations of the parties shall cease, and this Agreement shall be void and without recourse to the parties. If Buyer fails to so notify Seller, then the provisions of this paragraph shall after the Contingency Date, cease to be of any force and effect.

24. **Septic Contingency.** As a condition of the sale, the Seller shall provide at the Seller's expense, subsurface sewage disposal system inspection reports as required by the State Environmental Code Title V and, if applicable, as required by the Board of Health in the Town of Wellfleet, MA within 15 days from the execution of this Agreement. Should the conclusion of this report indicate that the systems are in good working condition and comply with the requirements of Title V of the State Sanitary Code, then the provisions of this contingency will be satisfied, and the balance of the Agreement will be held in full force and effect. Should the conclusion of the report indicate that either system is in marginal or failed condition, or not in compliance with said Title V requirements, the Seller shall make any repairs necessary in order to put the system in good working order. Should the Seller decline to make said repairs, and fails to provide a compliant Title V inspection report, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties shall cease and this Agreement shall be void without recourse to the parties hereto.

25. **Due Diligence Contingency.** Purchase by Buyer is contingent upon Buyer's satisfaction with the results of property inspections to be completed on or before February 28, 2024 (the "Inspection Date"), the cost of such inspections to be at Buyer's sole cost and expense. In the event that the results of any of these inspections are not satisfactory, in Buyer's sole discretion, Buyer shall notify Seller on or before 5PM on the Inspection Date, and thereupon all deposits made hereunder shall be refunded and the obligations of the parties shall cease, and this Agreement shall be void and without recourse to the parties. If Buyer fails to so notify Seller, then the provisions of this paragraph shall after the Inspection Date, cease to be of any force and effect.

26. **Sale Contingency.** Sale is contingent upon the simultaneous closing on the purchase by Buyer (or its nominee(s)) of the business assets of the Asset Seller pursuant to that certain Asset Purchase Agreement dated as of the date hereof (the "APA"). In the event that this contingency is not satisfied, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties shall cease and this Agreement shall be void without recourse to the parties hereto.

27. **Prior Agreements.** This Agreement supersedes any and all prior agreements between the parties.

28. **Notices.** Any notice, request, demand or other communication required or permitted hereunder shall be in writing and shall be deemed to have been given if delivered or sent by (a) electronic mail transmission, upon receipt, between the hours of 9:00 am and 6:00 pm with a confirmation copy delivered by another method permitted under this Section 28; or (b) overnight courier by a courier providing tracking and a receipt; or (c) by personal delivery. Notice given in accordance herewith for all permitted forms of notice other than by electronic mail shall be effective upon the earlier to occur of actual delivery to the address of the addressee

or refusal of receipt by the addressee. Notice given by electronic mail shall be deemed effective upon confirmation of transmission; it being agreed that upon a transmitting party's request, the recipient of an email shall promptly confirm its receipt of such email by return email. All notices to a party will be sent to the addresses set forth below or to such other address or person as such party may designate by notice to each other party hereunder:

To Buyer: Bruce A. Bierhans, Esq.  
Law Offices of Bruce A. Bierhans, LLC  
540 Main Street, Suite 17  
Hyannis, MA 02601  
508-778-4500  
bruce@bierlaw.com

To Seller: Melanie J. O'Keefe, Esq.  
LaTanzi, Spaulding & Landreth, LLP  
P.O. Box 2300  
Orleans, MA 02653  
508-255-2133  
mokeefe@latanzi.com  
With a copy to: jgrimm@latanzi.com

Any notice given hereunder may be given on behalf of any party by his or her counsel or other authorized representatives

**29. Title and Practice Standards.** Any matter or practice arising under or relating to this agreement which is the subject of a title standard or a practice standard of REBA at the time for delivery of the deed shall be covered by said title standard or practice standard to the extent applicable, unless otherwise specifically stated in this agreement.

**30. Brokers.** Seller and Buyer represent and warrant to each other that they have not dealt with any brokers in connection with this Agreement other than GJSW, Inc. dba Premier Commercial, and neither party knows of any other broker who has claimed or may have the right to claim a commission with respect to this Agreement or the sale of the Premises.

**31. Execution of Extensions and Amendments.** Amendments and extensions of the time for performance of the provisions of this Agreement may be executed on behalf of a party by counsel therefore.

**32. Certificates.** Seller hereby agrees to sign and deliver, at the time of performance, such affidavits, documents and certificates as may be reasonably required by the Buyer or the title insurance company which is providing title insurance for this transaction relating to:

(a) affidavits enabling Buyer to procure title insurance indicating the parties in possession being the tenants under written leases accepted by Buyer and that no persons are owed a debt for materials or labor entitling such persons to a mechanics' or materialmen's lien against the Premises;

(b) an affidavit satisfying the requirements of the Internal Revenue Code providing the Seller's social security number or tax identification number and indicating that Seller is not a foreign person subject to withholding of funds;



(c) a 1099S required under the Internal Revenue Code; and

(d) any other affidavits and certificates customarily required by Buyer's attorney or mortgagee in Barnstable County for transactions of this type.

**33. Post Closing Adjustments.** If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice thereof is given within two months of the closing date to the party to be charged, then such party agrees to make a payment to correct the error or omission.

**34. Signatures.** To facilitate the execution and delivery of this Agreement, Seller and Buyer agree that original executed Agreements transmitted by Facsimile, DocuSign or electronic mail shall for all purposes be considered and treated as original signed Agreements.

**35. Condition of Purchase.** It shall also be a condition of Buyer's obligation to purchase said Premises that at the Closing:

- (a) all buildings, structures and improvements, including but not limited to any driveways, garages, cesspools and septic systems and all means of access to the premises, shall be located completely within the boundary lines of the Premises and shall not encroach upon or under the property of any other person or entity, except as allowed by written and recorded instrument;
- (b) no building, structure or improvement of any kind belonging to any other person or entity shall encroach upon or under the Premises, except as allowed by written and recorded instrument;
- (c) the way, on which the Premises front is a public way or there is appurtenant to said Premises the perpetual right and easement of record to use the way and any and all other roads leading to the nearest public way for all purposes for which the streets and ways are now or may hereafter be used in the town in which the Premises are located, including without limitation access on foot or in motor vehicles thereon and installation and use thereon and therein of utility service lines for water, electricity, cable television and telephone service;
- (d) said Premises are served by municipal water, and that the quantity and quality of the water furnished thereby is adequate to serve the present use of the Premises;
- (e) the septic systems for said Premises lies wholly within the boundaries of said Premises;
- (f) Buyer can obtain an owner's policy of insurance insuring title to said Premises in Buyer, free from encumbrances except as set forth in Clause 4 of this Agreement and for standard exceptions and other exceptions, including but limited to takings, assessments and offers, as are routinely taken in ALTA Owner's policies, issued by a title insurance company qualified to do business in Massachusetts.

**36. Broom Clean Condition.** The Premises shall be delivered to Buyer in a "broom clean" condition, with all debris and personal property removed by Seller prior to the Closing, other than the personal property being acquired by the Asset Buyer from the Asset Seller simultaneously herewith.

37. **Seller Representations.** The Seller represents to the best of Seller's knowledge and belief that the following information is true and accurate as of the date of this Agreement and shall remain true and accurate as of the date of Closing:

- (a) There are no underground oil storage tanks or related apparatus (including piping) for fuel oil, waste oil or other petroleum products located on or under the Premises and the Seller has not removed such tanks or apparatus from the Premises and has no knowledge of any releases into the soil from any such tanks or apparatus;
- (b) Other than reasonable quantities of normal household products, there has been no release of any toxic or hazardous substances (as same is contemplated by MGL Ch. 21E) and no such toxic or hazardous substances have been used, released, generated, stored, treated, disposed of, or otherwise deposited, in, on, about or from the Premises, including without limitation oil, asbestos and/or chlordane;
- (c) Seller has complete and unencumbered ownership of all fixtures, fittings and equipment located in the Premises (other than those items that may be owned by Asset Seller);
- (d) There is no pending bankruptcy, mortgage foreclosure, or other proceeding which might in any material way impact adversely on Seller's ability to perform under this Agreement. In the event that Seller files for bankruptcy, or if involuntary proceedings are instituted against Seller, Buyer may, at Buyer's election, terminate this Agreement by written notice to the Seller whereupon any payments made under this Agreement shall be forthwith refunded to the Buyer and all other obligations of the Parties hereto shall cease and this Agreement shall be void without recourse to the Parties hereto.
- (e) Seller is not aware of any suits, actions, orders, decrees, claims, writs, injunctions or proceedings pending or threatened against the Seller or affecting all or any part of the Premises or the operation thereof before any court or administrative agency or officer which, if adversely determined, would have material adverse effect upon the Premises;
- (f) As of the date hereof, Seller has received no notice from any municipal, county, state or federal agency asserting or alleging that the Premises are or may be in violation of the provisions of any municipal, county, state or federal codes, ordinances, statutes or regulations relating to zoning, building, environment proceedings, which representation shall be deemed to have been repeated at the time and by virtue of delivery of the deed.
- (g) Seller represents that Seller has no knowledge of any municipal betterments affecting the Premises approved, pending, proposed or contemplated by the town in which the Premises are situated which is likely to result in an assessment against the Premises.
- (h) Seller has no knowledge of the occurrence of any substantial damage to the Premises by fire, vandalism, flood or other casualty (whether or not insured against, and whether or not previously repaired or restored);
- (i) That at the time of the Closing, there will be no contracts, oral or in writing, involving the Premises or financing of any property within the Premises which will be binding upon Buyer or affect the Premises in any manner;
- (j) The Seller represents to Buyer that the purchase price herein is sufficient to payoff all of

the Seller's obligations that may affect the sale of the Premises including, but not limited to: mortgages, municipal charges, real estate broker's commissions, document stamp tax and other reasonable and customary expenses of the sale, and that the within transaction is not a so-called "short-sale."

38. **Deed.** Buyer shall not be obligated to accept a deed under power of attorney and Seller shall provide Buyer with a deed containing his/her/their original signature(s).

39. **Permits.** Seller represents that with respect to any work Seller has caused to be undertaken at the Premises, such work was performed pursuant to building permits, if so required by the municipality with said permit(s) having received final sign-off and closure by the Building Inspector ("Inspector") and that Seller has no knowledge of any "open" building permits. In the event that there are any such "open" building permits, then Seller shall obtain a final sign off by the Inspector for said "open" building permits. In the event Seller has caused work to be done to the Premises without obtaining the requisite permits, then Seller shall obtain a final sign off by the Inspector for said work.

40. **1031 Exchange.** Either party may consummate the purchase or sale (as applicable) of the Premises as part of a so-called like kind exchange (an "Exchange") pursuant to §1031 of the Internal Revenue Code of 1986, as amended (the "Code"), provided that: (a) the Closing shall not be delayed, or affected by reason of the Exchange nor shall the consummation or accomplishment of an Exchange be a condition precedent or condition subsequent to the exchanging party's obligations under this Agreement; (b) the exchanging party shall effect its Exchange through an assignment of this Agreement, or its rights under this Agreement, to a qualified intermediary (c) neither party shall be required to take an assignment of the purchase agreement for relinquished or replacement property or be required to acquire or hold title to any real property for purposes of consummating an Exchange desired by the other party; and (d) the exchanging party shall pay and indemnify the other party against any additional costs or liabilities that would not otherwise have been incurred by the non-exchanging party had the exchanging party not consummated the transaction through an Exchange. Neither party shall by this Agreement or acquiescence to an Exchange desired by the other party have its rights under this Agreement affected or diminished in any manner or be responsible for compliance with or be deemed to have warranted to the exchanging party that its Exchange in fact complies with §1031 of the Code.

*[SIGNATURES ON THE FOLLOWING PAGE]*

**NOTICE:** This is a legal document that creates binding obligations. If not understood, consult an attorney.

Executed this 17<sup>th</sup> day of February, 2024.

SELLER:

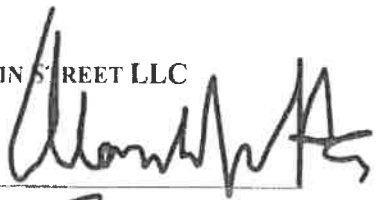

**WICKED ON MAIN, LLC**

DocuSigned by:  
Kenneth Kozak  
\_\_\_\_\_  
**KENNETH KOZAK, Manager**

DocuSigned by:  
Eliza S. FITTS  
\_\_\_\_\_  
**ELIZA S. FITTS, Manager**

BUYER:

**4050 MAIN STREET LLC**

  
\_\_\_\_\_  
Name:   
Title:

Alexander B Hay  
Manager



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY  
Department of Criminal Justice Information Services  
200 Arlington Street, Suite 2200, Chelsea, MA 02150, MASS.GOV/CJIS  
TEL: 617-660-4640 | TTY: 617-660-4606 | FAX: 617-660-5973



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**Massachusetts Criminal Offender Record Information (CORI)**

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To Whom It May Concern:

The Massachusetts Department of Criminal Justice Information Services (DCJIS) has conducted a computerized search of the Criminal Offender Record Information database.

The attached is a true copy of matching information from the CORI database for HAY, ALEXANDER B and date of birth 09/20/1978.

Signed under the penalties of perjury this 16th day of February 2024.

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Jamison R. Gagnon  
Commissioner  
Massachusetts Department Criminal Justice Information Services



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### Massachusetts Criminal Offender Record Information (CORI)

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The information provided within this response contains only Massachusetts criminal offender record information and is based on the statutory access of the requestor. Unauthorized access, use or dissemination of this information is prohibited under Massachusetts General Law.

This information is not fingerprint-supported and may not actually relate to the person whose information you are seeking. Individuals who believe there may be a discrepancy within this record should contact the Department of Criminal Justice Information Services (DCJIS).

This Massachusetts CORI was generated on 02/16/2024 16:38 as the response to your request submitted on 02/16/2024 16:37 with the following details:

#### Request Details

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Request ID: <b>E24PER-00173414</b>	Request Date/Time: <b>02/16/2024 16:37</b>
Name: <b>HAY, ALEXANDER B</b>	
Former Last Name(s):	
Date of Birth: <b>09/20/1978</b>	SSN: <b>***-70-1595</b>
PCF Number:	
Sex: <b>MALE</b>	Race: <b>White</b>
Father's Name: <b>HAY, JONATHAN</b>	Mother's Name: <b>HAY, PRUDENCE (BRADFORD)</b>

#### Response Summary

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NO AVAILABLE CORI

This response is the result of a search of the iCORI database using the subject's name and date of birth as submitted by the requestor. To ensure accuracy, it is the responsibility of the requestor to compare the information shown in the Request Details Section above to the subject's personal identifying information.

The DCJIS is not liable for any errors or omissions in the CORI results based on a requestor's entry of inaccurate, incorrect, or incomplete subject information.



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**Massachusetts Criminal Offender Record Information (CORI)**

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The information contained in this response is the result of an exact match of the subject's name, date of birth, and last six digits of his or her social security number (if applicable), as submitted by the requestor, to information contained in the Massachusetts CORI database. In its discretion, the DCJIS may use the information provided by the requestor to match to other fields on the iCORI report including, but not limited to, a former name or alias field. The requestor is responsible for verifying the subject's identifying information with an acceptable type of government-issued identification at the time of its submission to the DCJIS, as well as for verifying that the identifying information contained in this record relates to the subject.

This report contains only criminal offender record information that is maintained in the Massachusetts CORI database and does not contain criminal offender record information from other states or sources. This response contains only that CORI to which the requestor is statutorily entitled, based on information provided by the requestor at the time of request.

The information contained in this CORI report is created and provided by entities other than the DCJIS. The DCJIS is not responsible for incorrect or incomplete information contained herein, or for any omissions from the contributing entities.

This CORI report is confidential. Any unauthorized access to, or dissemination of this document or the information contained therein is subject to the civil penalties set forth in M.G.L. c. 6, §168, and the criminal penalties set forth in M.G.L. c. 6, §178. Civil penalties include suspension or revocation of CORI access and monetary fines up to \$5,000 for each violation. Criminal penalties include monetary fines up to \$50,000, incarceration in a house of correction for up to one year, or both a fine and incarceration.



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**Massachusetts Criminal Offender Record Information (CORI)**

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To Whom It May Concern:

The Massachusetts Department of Criminal Justice Information Services (DCJIS) has conducted a computerized search of the Criminal Offender Record Information database.

The attached is a true copy of matching information from the CORI database for TAFFARA, SEBASTIEN and date of birth 11/05/1985.

Signed under the penalties of perjury this 18th day of February 2024.

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Jamison R. Gagnon  
Commissioner  
Massachusetts Department Criminal Justice Information Services





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### Massachusetts Criminal Offender Record Information (CORI)

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The information provided within this response contains only Massachusetts criminal offender record information and is based on the statutory access of the requestor. Unauthorized access, use or dissemination of this information is prohibited under Massachusetts General Law.

This information is not fingerprint-supported and may not actually relate to the person whose information you are seeking. Individuals who believe there may be a discrepancy within this record should contact the Department of Criminal Justice Information Services (DCJIS).

This Massachusetts CORI was generated on 02/18/2024 13:26 as the response to your request submitted on 02/18/2024 13:25 with the following details:

#### Request Details

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Request ID: **E24PER-00174094** Request Date/Time: **02/18/2024 13:25**  
Name: **TAFFARA, SEBASTIEN**  
Former Last Name(s):  
Date of Birth: **11/05/1985** SSN: **\*\*\*-94-7188**  
PCF Number:  
Sex: **MALE** Race: **White**  
Father's Name: **TAFFARA, MICHEL** Mother's Name: **TAFFARA,  
NICOLE (MARIE)**

#### Response Summary

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NO AVAILABLE CORI

This response is the result of a search of the iCORI database using the subject's name and date of birth as submitted by the requestor. To ensure accuracy, it is the responsibility of the requestor to compare the information shown in the Request Details Section above to the subject's personal identifying information.

The DCJIS is not liable for any errors or omissions in the CORI results based on a requestor's entry of inaccurate, incorrect, or incomplete subject information.



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### Massachusetts Criminal Offender Record Information (CORI)

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The information contained in this response is the result of an exact match of the subject's name, date of birth, and last six digits of his or her social security number (if applicable), as submitted by the requestor, to information contained in the Massachusetts CORI database. In its discretion, the DCJIS may use the information provided by the requestor to match to other fields on the iCORI report including, but not limited to, a former name or alias field. The requestor is responsible for verifying the subject's identifying information with an acceptable type of government-issued identification at the time of its submission to the DCJIS, as well as for verifying that the identifying information contained in this record relates to the subject.

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This CORI report is confidential. Any unauthorized access to, or dissemination of this document or the information contained therein is subject to the civil penalties set forth in M.G.L. c. 6, §168, and the criminal penalties set forth in M.G.L. c. 6, §178. Civil penalties include suspension or revocation of CORI access and monetary fines up to \$5,000 for each violation. Criminal penalties include monetary fines up to \$50,000, incarceration in a house of correction for up to one year, or both a fine and incarceration.



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## CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

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TEK RESTAURANT GROUP INC  
50 MAIN ST  
WELLFLEET MA 02667-7433

### ***Why did I receive this notice?***

The Commissioner of Revenue certifies that, as of the date of this certificate, TEK RESTAURANT GROUP INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

**This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.**

### ***What if I have questions?***

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

### ***Visit us online!***

Visit [mass.gov/dor](https://mass.gov/dor) to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief  
Collections Bureau

The Commonwealth of Massachusetts, William Francis Galvin  
**Corporations Division**

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

**Articles of Organization**

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Minimum Filing Fee:  
 \$250.00

Identification Number: 001760149 (number will be assigned)

**ARTICLE I**

The exact name of the corporation is:

THE WICKED OYSTER INC

**ARTICLE II**

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Specify if you want a more limited purpose:

TO OPERATE A RESTAURANT, COCKTAIL LOUNGE AND EVENT/FUNCTION SPACE AND ALL ANCILLARY MATTERS RELATED THERETO.

**ARTICLE III**

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par value per share (Enter 0 if no Par)	Total authorized number of shares	Total authorized par value	Total issued and outstanding number of shares
CNP	0	100	0	100

**ARTICLE IV**

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the corporation must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

**ARTICLE V**

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are:

NONE

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

NONE

ARTICLE VII

The effective date of organization shall be the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than ninety (90) days from the date and time of filing

Later Effective Date (mm/dd/yyyy):                      Time (HH:MM)

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the articles of organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Agent name:            BRUCE A. BIERHANS ESQ

Number and street:            540 MAIN ST SUITE 17

Address 2:

City or town:            HYANNIS                                      State: MA                                      Zip code: 02601

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name	Address
PRESIDENT	ALEXANDER BRADFORD HAY	110 HERRING RIVER RD WELLFLEET, MA 02667 USA
TREASURER	ALEXANDER BRADFORD HAY	110 HERRING RIVER RD WELLFLEET, MA 02667 USA
SECRETARY	ALEXANDER BRADFORD HAY	110 HERRING RIVER RD WELLFLEET, MA 02667 USA
DIRECTOR	GARRETT WILLIAM SMYTHE	50 ALSTON AVE EASTHAM, MA 02642 USA
DIRECTOR	SEBASTIEN C TAFFARA	15 SEAVIEW RD EASTHAM, MA 02642 USA
DIRECTOR	ALEXANDER BRADFORD HAY	110 HERRING RIVER RD WELLFLEET, MA 02667 USA

d. The fiscal year end (i.e., tax year) of the corporation:

December 31

e. A brief description of the type of business in which the corporation intends to engage:

RESTAURANT, COCKTAIL LOUNGE AND EVENT/FUNCTION SPACE.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

Number and street: 110 HERRING RIVER ROAD  
Address 2:  
City or town: WELLFLEET State: MA Zip code: 02667  
Country: UNITED STATES

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

Number and street: 110 HERRING RIVER ROAD  
Address 2:  
City or town: WELLFLEET State: MA Zip code: 02667  
Country: UNITED STATES

Which is:

- its principal office  an office of its transfer agent  
 an office of its secretary/assistant secretary  its registered office

Signed this 19 Day of February, 2024 at 09:02 AM by the incorporator(s). (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

BRUCE A. BIERHANS ESQ

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

February 19, 2024 09:23 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

## Payment Confirmation

**YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT**

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully.

INVOICE #: 779f2c62-7d19-4051-8671-bd276fcc12bd

Qty	Description	Amount
	FILING FEES-RETAIL	\$200.00
		<b>\$200.00</b>

Total Convenience Fee: **\$4.70**

Date Paid: **2/21/2024 2:31:51 PM EDT**

Total Amount Paid: **\$204.70**

### Payment On Behalf Of

License Number or Business Name:  
00040-RS-1348

Fee Type:  
FILING FEES-RETAIL

### Billing Information

First Name:  
Alexander

Last Name:  
Hay

Address:  
137 Holmes Rd

City:  
Eastham

State:  
MA

Zip Code:  
02642

Email Address:  
alex@wellfleetshell.com





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**Massachusetts Criminal Offender Record Information (CORI)**

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To Whom It May Concern:

The Massachusetts Department of Criminal Justice Information Services (DCJIS) has conducted a computerized search of the Criminal Offender Record Information database.

The attached is a true copy of matching information from the CORI database for SMYTHE, GARRETT and date of birth 08/09/1982.

Signed under the penalties of perjury this 22nd day of February 2024.

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Jamison R. Gagnon  
Commissioner  
Massachusetts Department Criminal Justice Information Services



**Massachusetts Criminal Offender Record Information (CORI)**

The information provided within this response contains only Massachusetts criminal offender record information and is based on the statutory access of the requestor. Unauthorized access, use or dissemination of this information is prohibited under Massachusetts General Law.

This information is not fingerprint-supported and may not actually relate to the person whose information you are seeking. Individuals who believe there may be a discrepancy within this record should contact the Department of Criminal Justice Information Services (DCJIS).

This Massachusetts CORI was generated on 02/22/2024 11:37 as the response to your request submitted on 02/17/2024 11:55 with the following details:

**Request Details**

Request ID: **E24PER-00173686** Request Date/Time: **02/17/2024 11:55**  
 Name: **SMYTHE, GARRETT**  
 Former Last Name(s):  
 Date of Birth: **08/09/1982** SSN: **\*\*\*-53-8507**  
 PCF Number:  
 Sex: Race:  
 Father's Name: Mother's Name:

**Response Summary**

The following matching subject(s) have been found. Full subject and offense information for each matching record is contained within this response.

This response is the result of a search of the iCORI database using the subject's name and date of birth as submitted by the requestor. To ensure accuracy, it is the responsibility of the requestor to determine if one or more of these records belong to the subject listed in the Request Details Section above.

The DCJIS is not liable for any errors or omissions in the CORI results based on a requestor's entry of inaccurate, incorrect, or incomplete subject information.

Name	Date of Birth	PCF Number
SMYTHE, GARRETT W	08/09/1982	2943544



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### Massachusetts Criminal Offender Record Information (CORI)

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**Certificate of Compliance**

TEK RESTAURANT GROUP INC  
50 MAIN ST  
WELLFLEET MA 02667-7433

Date: February 26, 2024  
Letter ID: L0001726905  
Employer ID (FEIN): XX-XXX9454

Certificate ID: L0001726905

The Department of Unemployment Assistance certifies that as of 23-Feb-2024, TEK RESTAURANT GROUP INC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires on 24-Mar-2024 .

Sincerely,

Katie Dishnica, Director  
Department of Unemployment Assistance

**Questions?**

Revenue Enforcement Unit  
Department of Unemployment Assistance  
Email us: Revenue.Enforcement@detma.org  
Call us: (617) 626-5750



**Department of Unemployment Assistance**  
Commonwealth of Massachusetts  
Executive Office of Labor & Workforce Development

**IMPORTANT NOTICE**

This document contains important information. Please have it translated immediately.

В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.

Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.

Docikman sa gen enfòmasyon enpòtan. Tanpri fè yon moun tradwi l touswit.

Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.

Este documento contém informações importantes. Por favor, traduza-lo imediatamente.

此文件含有重要信息。請立即找人翻譯。

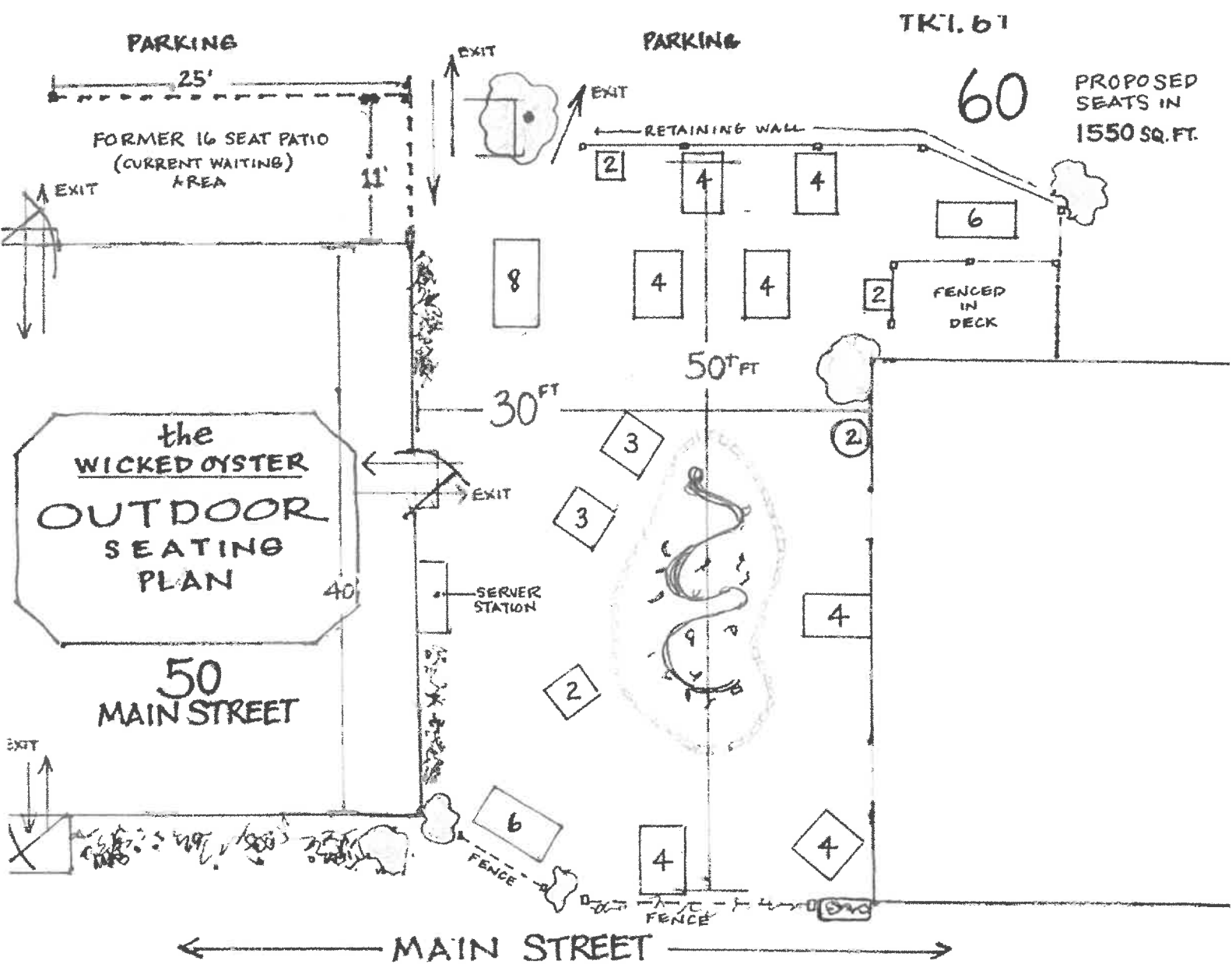
본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 하십시오.

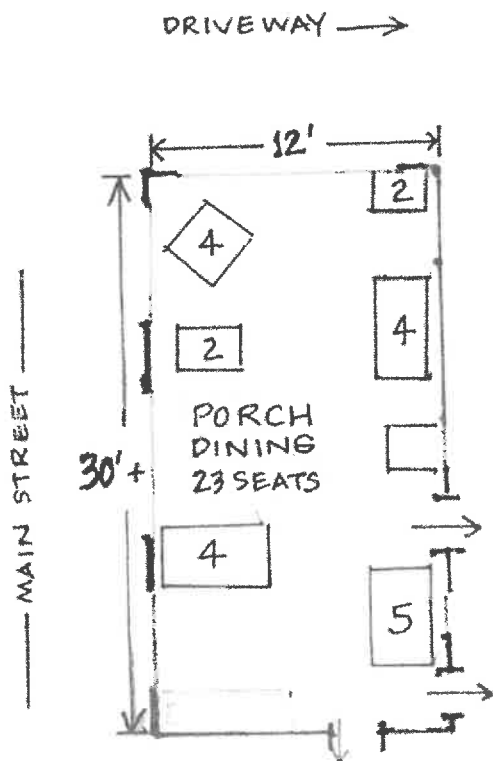
Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.

ទោះទារទះបំបំរើខ្ញុំសំខាន់. វាទារទារទះទារទះបំបំរើបែបបែបវិ.

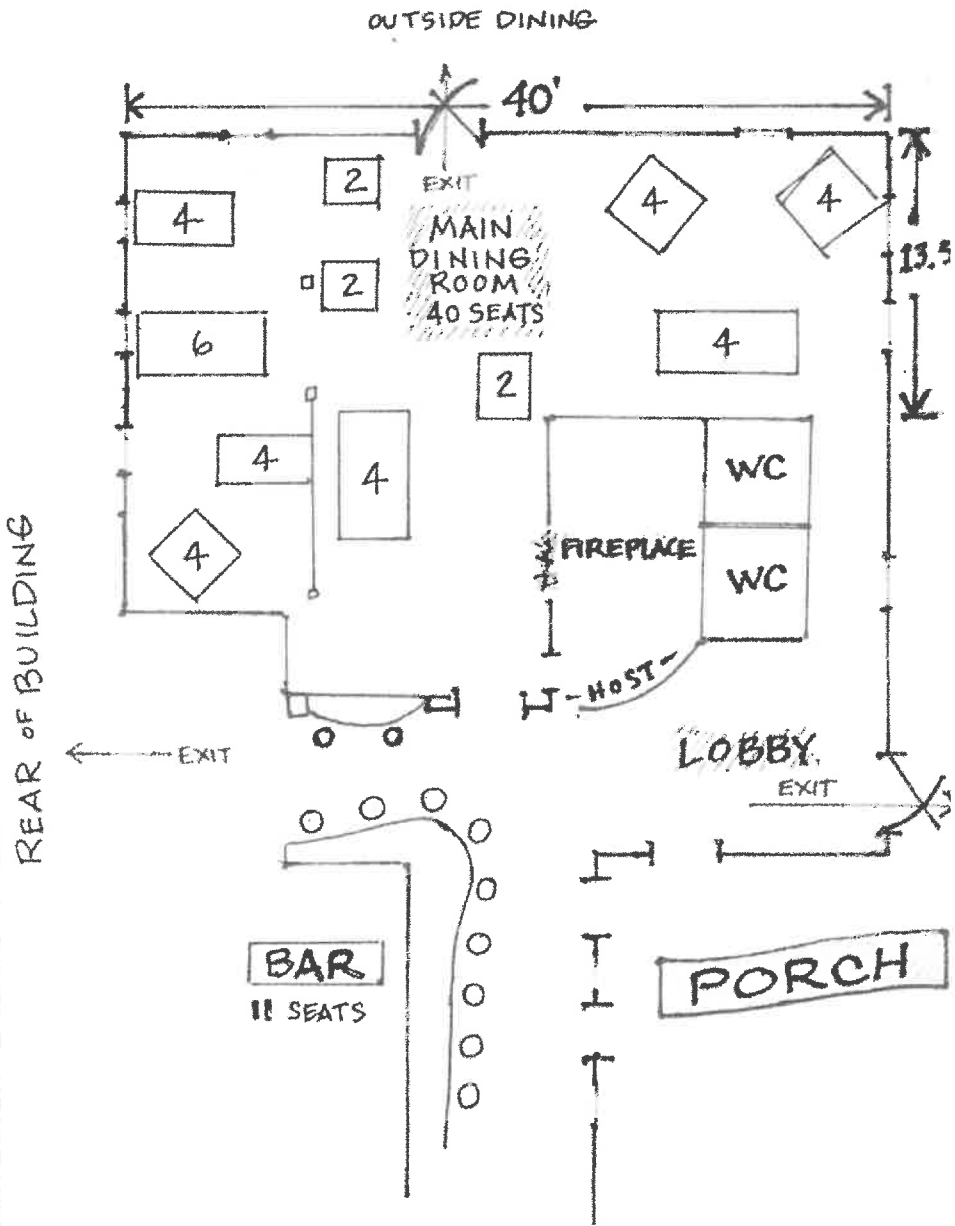
ឯកសារនេះមានព័ត៌មានសំខាន់ៗ សូមបកប្រែវាយ៉ាងឆាប់រហ័ស។

Ce document contient des informations importantes. Veuillez le faire traduire au plus tôt.





the  
wicked oyster  
**INDOOR**  
SEATING PLAN  
63 SEATS / 1280 SQ. FT.





## FARM CREDIT EAST, ACA

2 Constitution Drive, Bedford NH 03110-6010  
800.825.3252 | 603.472.3554 | FarmCreditEast.com

Feb. 20, 2024

Alex Hay  
137 Holmes Rd  
Eastham MA 02642

### **\*\*Pre-Approval Letter\*\***

I'm pleased to share with you that you are conditionally pre-approved for mortgage financing for 40 & 50 Main St in Wellfleet, MA per your request with Farm Credit East, ACA (Lender).

Purchase Price: \$2,650,000

Proposed Loan Purpose: Purchase of the real estate and personal property located at 40 & 50 Main St, Wellfleet, MA, 02667 inclusive of all of the real estate and personal property proposed for purchase by the buyer.

Loan Collateral: The real estate and personal property (and other assets, as may be applicable) purchased with loan proceeds

Parties to the Proposed Loan (collectively, Borrower(s)):

- Alex Hay
- Sebastien Taffara
- Garrett Smythe
- Wellfleet Shellfish Company, Inc
- All entities or individuals having any ownership of, beneficial interest in, or plan to conduct business on the proposed property. This is not intended to include third party unrelated tenants, if any.

Not A Final Commitment: This pre-approval is not a final commitment, and any final commitment will be subject to additional terms and conditions. Conditions will include, but are not limited to, a satisfactory appraisal report prepared for Lender, a mortgage securing specified property and naming Lender as secured party, appropriate title search and insurance as well as continued and satisfactory standing with current creditors and credit bureaus. Final approval is subject to additional credit underwriting. A decision to lend credit can only be reached once final documentation is submitted and an appraisal review of the property is completed.

This pre-approval expires on May 31, 2024, unless extended in writing by Lender. Please reach out with any questions. I look forward to working with you.

Sincerely,

Katelyn Parsons  
Loan Officer  
Farm Credit East, ACA



LOANS & LEASES • PAYROLL • TAX SERVICES • RECORD-KEEPING  
BENCHMARKS • APPRAISALS • ESTATE PLANNING • PROFITABILITY CONSULTING  
CROP INSURANCE • COUNTRY HOME LOANS • KNOWLEDGE EXCHANGE





## TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- **Monetary Transmittal Form**
- **DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- **DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- **Transfer Application**
- **Manager Application**
- **Vote of the Entity**
- **Business Structure Documents**
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- **Purchase and Sales Agreement**
- **Proof of Citizenship** for the proposed Manager of Record.
- **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- **Legal Right to Occupy**, a lease or deed.
- **Floor Plan**
- **Advertisement**
- **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
- **Management Agreement**, if applicable, requires the following :
  - Management Agreement Application
  - Management Agreement
  - Vote of the Entity
  - CORI Forms for all listed in Section 13 and attachments

*Please Note: You may be requested to submit additional supporting documentation if necessary.*



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

III

## PUBLIC HEARINGS

~ B ~

<b>REQUESTED BY:</b>	<b>Angelo Salamone, Building Inspector</b>
<b>DESIRED ACTION:</b>	<b>Review and approve the amended changes to the Building Department's schedule of fees.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the building department's updated schedule of fees affective May 1, 2024.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# BUILDING FEES

All New Construction, Construction, Porches, Decks, Remodels, Swimming Pools, Demolition, Sheds, Signs, Tent Installations	<i>\$50 Application Fee + \$10/\$1,000 of total construction costs</i>
All other work not noted above/Minimum Fee	<i>\$50 Application Fee + \$10/\$1,000 of total construction costs</i>
Certificates of Inspection – Including, but not limited to, Restaurants, Places of Assembly, Day Care Facilities	\$85.00
Certificates of Inspection Private Schools	\$200.00
Sheet Metal/Mechanical	\$50.00

**ALL WORK DONE WITHOUT PERMITS WILL BE SUBJECT TO TRIPLE FEES**

**PERMIT FEES ARE PAYABLE AT TIME OF PERMIT ISSUANCE - PAYMENTS ARE NON-REFUNDABLE AND NON-TRANSFERABLE**

**FOR BUILDING PERMITS: FEES ARE BASED ON THE TOTAL VALUE OF CONSTRUCTION (NOT THE COST) AS DETERMINED BY THE BUILDING INSPECTOR**

**FOR NEW CONSTRUCTION, ALTERATIONS, ADDITIONS THE PERSON SUBMITTED THE BUILDING PERMIT APPLICATION WILL BE RESPONSIBLE FOR PAYING ALL FEES ASSOCIATED WITH THE PROPOSED JOB PRIOR TO OBTAINING THE JOB WEATHER CARD FOR THE BUILDING PERMIT (ELECTRICAL PERMIT, PLUMBING & GAS PERMIT, MECHANICAL HVAC, MECHANICAL FIRE SUPPRESSION)**

**PLEASE TELEPHONE THE OFFICE TO SCHEDULE INSPECTIONS:**

This is a last look at changing the fee schedule format. The goal is to simplify the fee schedule, while keeping the rates relatively the same. If there is a desire to increase the fee, simply increase the cost per \$1,000.

This exercise is based on a minimum of \$100/sq' construction value for new construction and remodeling work.

\$100/sq' construction value x \$6.50 /\$1,000 is = to the current rate of \$0.65 /sq'

Example: 1,000sq' living space

1 \$0.65/sq'

$\$0.65 \times 1,000\text{sq}' = \$650.00$  (Fee)

2 Assigned value of \$100/sq'

$1,000 \text{ sq}' \times \$100 = \$100,000$  (construction value)

$\$6.50/\$1000 = \$650.00$  (Fee)

$\$6.50 \times (\$100,00/1,000) = \$650$

## Ledger Spread Sheet / Example 2023

Date 2023	Permit #	Value	Fee	Proposed Fee
	411	\$ 22,000.00	\$ 275.00	
	414	\$ 35,000.00	\$ 55.00	
06 27	418	\$ 225,000.00	\$ 338.00	
10 16	419	\$ 9,900.00	\$ 154.00	
10 16	420	\$ 35,000.00	\$ 405.00	
10 24	430	\$ 15,000.00	\$ 205.00	
10 16	431	\$ 9,000.00	\$ 145.00	
09 19	432	\$ 25,000.00	\$ 55.00	
	433	\$ 15,700.00	\$ 212.00	
09 18	434	\$ 28,000.00	\$ 55.00	
	435	\$ 75,000.00	\$ 55.00	
10 24	436	\$ 11,200.00	\$ 159.00	
08 04	437	\$ 3,100.00	\$ 55.00	
10 24	438	\$ 6,600.00	\$ 55.00	
10 24	439	\$ 1,100.00	\$ 55.00	
10 24	440	\$ 5,000.00	\$ 105.00	
10 17	441	\$ 25,000.00	\$ 305.00	
10 16	442	\$ 3,100.00	\$ 55.00	
10 31	443	\$ 77,800.00	\$ 290.00	
10 12	444	\$ 800.00	\$ 55.00	
10 17	445	\$ 52,200.00	\$ 55.00	
10 17	446	\$ 11,500.00	\$ 169.00	
11 07	447	\$ 12,600.00	\$ 182.00	
	448	\$ 100.00	\$ 55.00	
<b>Total</b>		<b>\$ 704,500.00</b>	<b>\$ 3,549.00</b>	<b>704 x \$ 6.50 = \$4,576</b>



# WELFLEET Massachusetts

- Home
- About Wellfleet
- Departments
- Boards & Committees
- Services A-Z

Community Resources



Home » Departments » Building

## FEES

Fees for any work not listed below will be determined by the Building Commissioner. Fees are non refundable once permit is issued (All Departments). Please confirm up-to-date fees with

Building Department. Records request that will take more than 20 minutes will be charged at Department Assistant pay rate.

Fees tripled for all work started without a permit (All Departments).

### RESIDENTIAL BUILDING CONSTRUCTION FEES

effective 7/1/16

New Construction (New Structures & Additions)	\$0.65 per sq. ft. or \$55 minimum
Existing Structures (Alterations & Repairs)	\$0.55 per sq. ft. or \$55 minimum
New & Existing Un-Conditioned Space, Porch	\$0.40 per sq. ft. or \$55 minimum
Decks	\$0.25 per sq. ft. or \$55 minimum
Garages, Barns, Accessory Structures/Sheds over 120 sf	\$0.25 per sq. ft. or \$55 minimum
Accessory Structures/Sheds 120 sf and under	\$55
Window / Door Replacement, Re-roofing, Re-siding	\$55 + 1% of construction value
Chimneys, Wood Stoves, Fireplaces	\$55

**RESIDENTIAL BUILDING CONSTRUCTION FEES**

effective 7/1/16

Fire Sprinklers	\$55
Pools Above Ground	\$115
Pools In ground	\$115 plus \$0.25 per sq. ft.
Solar Panel	\$55 + 1% of construction value
Wind Generation	\$55 + 1% of construction value
Signs	\$50 + \$25 per sf over 24 sf
Mechanical / Duct Work/Exhaust Hood	\$55 + 1% of job value
Retaining Walls, Foundation Walls only, Trench	\$55
Awnings, Tents, Temporary Construction Trailers	\$55
Demolition - 300 sq. ft. & under	\$60
Demolition - 301 sq. ft. & over	\$115
Moving Structures	0.25 per sf or \$55 minimum
Dock, Floats, Piers	\$115 + \$1.25 per sf
Certificate of Occupancy - each unit	\$55
Re-inspection	\$55
Emergency, Off-hour, Week-end Inspections	\$115

**COMMERCIAL BUILDING CONSTRUCTION FEES**

effective 7/1/16

New Construction (New Structures & Additions)	\$0.65 per sq. ft. or \$55 minimum
Existing Structures (Alterations & Repairs)	\$0.55 per sq. ft. or \$55 minimum
New & Existing Unconditioned Space, Porch	\$0.40 per sq. ft. or \$55 minimum
Decks	\$0.25 per sq. ft. or \$55 minimum
Garages, Barns, Accessory Structures / Sheds over 120 sf	\$0.25 per sq. ft. or \$55 minimum
Accessory Structures / Sheds 120 sf and under	\$75
Window / Door Replacement, Re-roofing, Re-siding	\$55 application fee + 1% of construction costs
Chimneys, Wood Stoves, Fireplaces	\$55
Fire Sprinklers	\$55
Pools Above Ground	\$125
Pools In ground	\$150 plus \$0.25 per sq. ft.
Solar Panel	\$55 application fee + 1% of construction costs
Wind Generation	\$55 application fee + 1% of construction costs
Cell Towers	\$250 plus \$0.25 per linear foot
Signs	\$125 plus \$0.25 per sf. over 24 sq ft.
Mechanical/Duct Work / Exhaust Hood	\$55
Retaining Walls, Foundation Walls only, Trench	\$55
Awnings, Tents, Temporary Construction Trailers	\$55
Demolition - 300 sq. ft. & under	\$60
Demolition - 301 sq. ft. & over	\$110
Moving Structures	\$0.25 per sq. ft. or \$55 minimum

**COMMERCIAL BUILDING CONSTRUCTION FEES**

effective 7/1/16

Dock, Floats, Piers	\$225 plus \$1.25 per sq. ft.
Certificate of Occupancy - each unit	\$55
Certificate of Occupancy - Hotels & Motels	\$55 plus \$5 per room
Re-inspection	\$55
Emergency, Off-hour, Week-end Inspections	\$125
Commercial Annual Inspection	\$50

**ELECTRICAL / WIRING PERMIT FEES**

effective 7/1/16

Residential & Commercial (New, Addition, Alteration, Repair)	\$60 per inspection
New & Temporary Service	\$60
Re-inspection	\$50
Extra Inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100
All solar installations require 2 inspections	\$60 each

**PLUMBING PERMIT FEES**

effective 7/1/16

Residential & Commercial (New, Addition, Alteration, Repair)	\$60 plus \$10 per fixture
Re-inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100

**GAS PERMIT FEES**

effective 7/1/16

Residential & Commercial (New, Addition, Alteration, Repair)	\$60 plus \$10 per fixture
Re-inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100

**ZONING BOARD OF APPEALS APPLICATION FEES**

effective 7/1/16

Change in Use Only (No Construction):	\$85
Affordable Accessory Dwelling Unit	\$85
Residential Change in Use	\$85
Commercial / Business Change in Use	\$195
Construction of any sort: \$ 0 - \$ 1,000	\$90
\$ 1,001 - \$ 10,000	\$145
\$ 10,001 - \$ 50,000	\$195
\$ 50,001 - \$ 100,000	\$295
\$ 100,001 - \$ 250,000	\$395
\$ 250,001 - \$ 500,000	\$595
\$ 500,001 - \$1,000,000	\$1,045



**ZONING BOARD OF APPEALS APPLICATION FEES**

effective 7/1/16

\$1,000,001 - \$1,500,000	\$1,545
\$1,500,001 - and above	\$2,045
Amendment to Active Special Permit	\$90
Request for Extension to Special Permit	\$95
Appeal As Person Aggrieved	\$95

**GENERAL CONDITIONS**

effective 7/1/16

Building Permit Renewal	\$115
Replacement of Building Sign Off Card	\$35
Building Commissioner Opinion Letter	\$55
Building Permit Amended ( All Departments )	\$55
Not Calling For Required Inspection (All Departments)	\$55
Covering Up work Without Inspection (All Departments)	\$115
Removal of Stop Work Order (All Departments)	\$210

Fees for any work not listed above will be determined by the Building Commissioner. Fees are non-refundable once a permit has been issued (All departments).

Please confirm up-to-date fees with the Building Department. Records requests that will take more than 20 minutes will be charged at Department Assistant pay rate.

Fees tripled for all work started without a permit. (All Departments)

Applications for Permits

Applications for Permits ADU

FEES

Massachusetts Homeowners handbook to prepare for coastal hazards

Worker's Compensation Insurance Affidavit - MUST BE SUBMITTED WITH ALL PERMIT APPLICATIONS

ZBA Applications

ZBA Filing Procedures

## Contact Info ▼

**Phone:**

508-349-0309

**Fax:**

508-349-0327

**Address:**

Department of Public Works Building

220 West Main Street

Wellfleet, MA 02667

United States

See map: [Google Maps](#)



Wellfleet Town Hall  
300 Main Street  
Wellfleet, MA 02667

**Hours**

Mon - Fri 8:00am - 4:00pm

P: 508-349-0300 F: 508-349-0305

[Website Disclaimer](#)

Government Websites by [CivicPlus®](#)

[Login](#)

## FEES

Fees for any work not listed below will be determined by the Building Commissioner.

**Fees are non refundable once a permit is issued. (All Departments)**

Please confirm up to date fees with the Building Department.

Building Department records request that will take more than 20 minutes will be charged at the Department Assistance pay rate.

Fees tripled for all work started with a permit (All Departments)

Fees will be rounded up to the nearest dollar amount

<b>RESIDENTIAL BUILDING CONSTRUCTION FEES</b>	<b>Effective:</b>
New Construction (New Structures and Additions) and Existing Structures (Alterations and Repairs)	\$0.75 per sq ft or \$75.00 minimum
Un-Conditioned Space, Porch	\$0.55 per sq ft or \$75.00 minimum
Decks	\$0.50 per sq ft or \$75.00 minimum
Garages, Barns, Accessory Structures/Sheds over 120 sq.ft	\$0.50 per sq ft or \$75.00 minimum
Accessory Structures/Sheds 120 sq ft and under	\$60.00
Window/Door Replacement, Re-Roofing, Re-Siding	\$60.00 + 1% of construction Value
Chimneys, Wood Stoves, Fireplaces	\$75.00
Pools Above Ground	\$125.00
Pools In Ground	\$125.00 + \$0.35 per sq ft
Solar Panels	\$75.00 + 1% of construction Value
Wind Generation	\$75.00 + 1% of construction Value
Signs	\$75.00 + \$0.25 per sq ft over 24 sq ft
Mechanical/Duct Work/Exhaust Hood	\$75.00
Retaining Walls, Foundation Wall only, Trench	\$75.00
Awnings, Tents, Temporary Construction Trailers	\$75.00
Demolition - 300 sq, ft and under	\$75.00
Demolition - 301 sq, ft and over	\$125.00
Moving Structures	\$0.35 per sq ft or \$75.00 minimum
Re-Inspection	\$75.00
Emergency, Off-hour, Week-end Inspections	\$150.00
<b>COMMERCIAL BUILDING CONSTRUCTION FEES</b>	<b>Effective:</b>
New Construction (New Structures and Additions) and Existing Structures (Alterations and Repairs)	\$0.75 per sq ft or \$75.00 minimum
Un-Conditioned Space, Porch	\$0.55 per sq ft or \$75.00 minimum
Decks	\$0.50 per sq ft or \$75.00 minimum
Garages, Barns, Accessory Structures/Sheds over 120 sq.ft	\$0.50 per sq ft or \$75.00 minimum
Accessory Structures/Sheds 120 sq ft and under	\$60.00
Window/Door Replacement, Re-Roofing, Re-Siding	\$60.00 per 1% of construction Value
Chimneys, Wood Stoves, Fireplaces	\$75.00
Pools Above Ground	\$150.00

Pools In Ground	\$200.00 + \$0.35 per sq ft
Solar Panels	\$75.00 + 1% of construction Value
Wind Generation	\$75.00 + 1% of construction Value
Cell Towers	\$350.00 plus \$1.00 per linear foot
Signs	\$125.00 + \$0.25 per sq ft over 24 sq ft
Mechanical/Duct Work/Exhaust Hood	\$150.00
Retaining Walls, Foundation Wall only, Trench	\$75.00
Awnings, Tents, Temporary Construction Trailers	\$75.00
Demolition - 300 sq ft and under	\$100.00
Demolition - 301 sq ft and over	\$150.00
Moving Structures	\$0.35 per sq ft or \$75.00 minimum
Re-Inspection	\$75.00
Emergency, Off-hour, Week-end Inspections	\$150.00
Commercial Annual Inspection	\$75.00
<b>ELECTRICAL/WIRING PERMIT FEES</b>	<b>Effective:</b>
Residential & Commercial (New, Addition, Alteration and Repair)	\$75.00 PER Inspection
New and Temporary Service	\$75.00
Re-Inspection	\$100.00
Extra Inspection	\$75.00
Emergency, Off-hour, Week-end Inspections	\$150.00
All Solar Installation require 2 Inspections	\$150.00
<b>PLUMBING PERMIT FEES</b>	<b>Effective:</b>
Residential & Commercial (New, Addition, Alteration and Repair)	\$75.00 for the permit and \$10.00 per fixture
Re-Inspection	\$100.00
Emergency, Off-hour, Week-end Inspections	\$150.00
<b>GAS PERMIT FEES</b>	<b>Effective:</b>
Residential & Commercial (New, Addition, Alteration and Repair)	\$75.00 for the permit and \$10.00 per fixture
Re-Inspection	\$100.00
Emergency, Off-hour, Week-end Inspections	\$150.00



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 16, 2024

III

### PUBLIC HEARINGS

~ C ~

<b>REQUESTED BY:</b>	Shellfish Constable, Nancy Civetta
<b>DESIRED ACTION:</b>	To approve the transfer of shellfish, grant license #01-03-B
<b>PROPOSED MOTION:</b>	I move to approve the transfer of shellfish grant license #01-03-B consisting of approximately three acres in the deep-water area of Indian Neck from David Seitler (Wellfleet) to David Seitler and Chris Milewski. (Wellfleet)
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	

TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on April 16, 2024, at 6:00 p.m. to consider the following:

- 1) Application received on 3/26/2024 from David Seitler (Wellfleet, MA) for the transfer of shellfish grant license #01-03-B consisting of approximately three acres in the deep-water area of Indian Neck from David Seitler to David Seitler and Chris Milewski (Wellfleet, MA).
- 2) Application received on 4/2/2024 from Justin Lynch (Wellfleet, MA) and Eben Kenny (Wellfleet, MA) for the transfer of shellfish grant license #01-05-B consisting of approximately three acres in the deep-water area of Indian Neck from Justin Lynch and Eben Kenny to Justin Lynch, Eben Kenny and Melissa Lynch (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the April 16, 2024, Selectboard's packet.

**In person:** 715 Old King's Highway (Adult Community Center)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~ Phone: 1 929 205 6099

WELLFLEET SELECTBOARD



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: April 9, 2024

To: Selectboard Chair Carboni, Vice Chair Wolf and members Curley, DeVasto and Sayre

From: Nancy Civetta, Shellfish Constable

RE: Recommendation shellfish grant transfer at Selectboard Public Hearing 4-16-2024

Dear Selectboard members,

On March 26, 2024, I received an application from David Seitler (Wellfleet, MA) for the transfer of shellfish grant license # 01-03-B consisting of approximately three acres in the deep-water area of Indian Neck from David Seitler to David Seitler and Chris Milewski (Wellfleet).

I reviewed the annual grant reports for #01-03-B and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It has.

I reviewed David's state propagation and commercial shellfishing permits to make sure they were in good standing. They are. Chris has a Wellfleet commercial shellfishing permit, and the Mass. Division of Marine Fisheries has all the paperwork for his 2024 state renewal and reports that he is in good standing, as well.

This grant already has all of the certifications to move inshore, and they will be farming the new "moved in" location this season.

You will find here attached documentation of Chris's experience and eligibility. I recommend that shellfish grant license # 01-03-B be transferred as above.

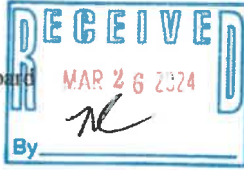
Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE



Date: 03/07/24

To: Town of Wellfleet Selectboard  
300 Main Street  
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 01-03-B

From David Seiter

To Chris Milewski and David Seidler

Said grant license is located at cdbll indian neck in Wellfleet, MA

and consisting of 3 acres, as shown on a plan prepared

by Outermost Land Survey and dated 8/03/25

D8

Chris Milewski

Signature	Signature	Signature
David Seiter	Christopher Milewski	
Name	Name	Name
1045 Ridge St Wellfleet MA	526 State Highway Wellfleet MA 02667	
Mailing Address	Mailing Address	Mailing Address
02667	same	
Telephone	Telephone	Telephone
774-722-2840	774-994-0226	
Email	Email	Email
dave_cape_waiver@yahoo.com	gnttyfisheriesinc@gmail.com	



TOWN OF WELFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- If applicant is applying for a lease on private property, permission from the owner has been obtained.
- The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,
  - The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
    - This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant.
- The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.
- NA* For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with \_\_\_\_\_ and \_\_\_\_\_, as well as the most recent

*am*  
*3-10-24*

and \_\_\_\_\_, as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

**SECTION 1: DEFINITIONS**

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ( \_\_\_\_\_ ).

**Licensed Area (Grant)** - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish (MGL Chapter 130; Sections \_\_\_\_\_ & \_\_\_\_\_ ).

**Resident** - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

**7.8. Issuance of Licenses for Aquaculture**

**7.8.1. Eligibility Requirements:** Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: *Chris Mihalek*

Date: *march 26 2024*

I, *Chris Mitekewski*, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,



12/07/22

To Whom it may concern, This letter is to attest to  
Chris Milewski's **Time**, Knowledge and Resources Throughout the time  
I have had my shellfish farm and longer when Chris has  
Helped. Chris has used his trucks and trailers and his experience  
in multiple fishing industries to help me remove oyster seed to  
over winter as well has helped me broken down oyster beds.  
We have exchanged Labor on my oyster farm and boat  
for my Labor on Chris's scallop/Fish Dragger and Lobster Business.  
Chris is more than qualified to operate an Aquaculture  
Business with his experience in multiple Fisheries and  
His own experience working in wellfleet Harbor.  
If Chris hadnt shown me how to Bay scallop or given me his  
Dredge I wouldn't have the Business I have today. Chris has  
Reliably and enthusiastically helped me on my oyster farm /  
commercial shellfish Business since I started. wellfleet Har'bor  
would gain an Asset by having him eligible for this grant  
Lottery. For any further questions please call me at  
774-722-2840 David Secker Also Chris has the Resources space  
equipment relocation finances and time to make a large scale operation  
Happen.



3/26/24



Christopher Milewski &lt;grittyfisheriesinc@gmail.com&gt;

**Letter of Recommendation**

1 message

**Jason Lance Weisman** <jasonlance333@gmail.com>

Tue, Dec 6, 2022 at 7:56 PM

To: "grittyfisheriesinc@gmail.com" &lt;grittyfisheriesinc@gmail.com&gt;

To The Wellfleet Shellfish Department and The Town of Wellfleet,

I meet Chris Milewski around 12 years ago on commercial street in Provincetown. We were scalloping on different boats out of the harbor and I was immediately impressed by his ability to understand the fishery we were experiencing at the time. Making reference to regulations in place, quota strategies and his "All In" approach to hard work

demonstrated to me his full commitment to his site on the boat.

As I grew to know Chris over time, I began to understand that he gives one hundred percent of himself to all that he loves and contributes; not just fishing but community and family. Again, I was impressed with his commitment to being a good Dad, provider and brother, as I watched the two of them decide to set upon a joint venture and began a family business fishing together.

As a Wellfleet resident raising a family and constantly developing ways to contribute his love and hard work towards what he cares about and respects, Chris has extended his heart filled drive and began shellfishing here in town.

I was honored to be asked questions about aquaculture by Chris so I invited him to come check out our family farm. I have mentioned many times to Chris over the years of how elemental our oyster and clam farm is to our family and the unity it provides our family with. The connectivity that aquaculture has offered us as Wellfleet shellfisherman and the contribution we can clearly demonstrate by being good stewards towards the towns resources.

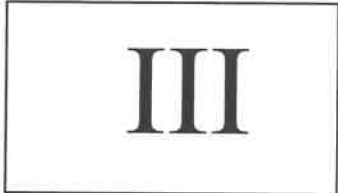
Chris Milewski deserves to exercise the great privilege of choosing Wellfleet as his home for his family and contributing to the management and prosperity of this great resource of shellfish we have in Wellfleet.

Sincerely,  
Jason Lance Weisman  
Grant 14-1  
774-722-4699



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



## PUBLIC HEARINGS

~ D ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable, Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To approve the transfer of shellfish, grant license #01-05-B</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the transfer of shellfish grant license #01-05-B consisting of approximately three acres in the deep-water area of Indian Neck from Justin Lynch and Eben Kenny (Wellfleet) to Justin Lynch, Eben Kenny, and Melissa Lynch. (Wellfleet)</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: April 9, 2024

To: Selectboard Chair Carboni, Vice Chair Wolf and members Curley, DeVasto and Sayre

From: Nancy Civetta, Shellfish Constable

RE: Recommendation shellfish grant transfer at Selectboard Public Hearing 4-16-2024

Dear Selectboard members,

On April 2, 2024, I received an application from Justin Lynch (Wellfleet, MA) and Eben Kenny (Wellfleet, MA) for the transfer of shellfish grant license # 01-05-B consisting of approximately three acres in the deep-water area of Indian Neck from Justin Lynch and Eben Kenny to Justin Lynch, Eben Kenny and Melissa Lynch (Wellfleet).

I reviewed the annual grant reports for #01-05-B and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed Justin and Eben's state propagation and commercial shellfishing permits to make sure they were in good standing. They are. Melissa has both state and town commercial shellfishing permits.

They have completed all but one certification to move the grant inshore, and I expect that they will be able to farm the new "moved in" location this season.

You will find here attached documentation of Melissa's experience and eligibility. I recommend that shellfish grant license # 01-05-B be transferred as above.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3/31/24

To: Town of Wellfleet Selectboard  
300 Main Street  
Wellfleet, MA 02667



I/We hereby request transfer of Shellfish Grant License # 01-05-B

From JUSTIN LYNCH + EBEN KENNY

To JUSTIN LYNCH, EBEN KENNY AND MELISSA LYNCH

Said grant license is located at INDIAN NECK, in Wellfleet, MA

and consisting of 3 acres, as shown on a plan prepared

by WELLFLEET SHELLFISH DEPARTMENT and dated 1/25/2022.

Justin Lynch      Eb Ken      Melissa Lynch  
Signature                      Signature                      Signature

JUSTIN LYNCH      Eben Kenny      MELISSA LYNCH  
Name                      Name                      Name

Po Box 1103 S. Wellfleet      1094 US 6 <sup>Wellfleet, ma 02667</sup>      PO BOX 1103 S. WELLFLEET,  
Mailing Address MA, 02663      Mailing Address      Mailing Address 02667


774-722-3766      508-237-4872      970-391-8589  
Telephone                      Telephone                      Telephone

lynchoomab@yahoo.com      ebenkenny88@gmail.com      beelynch13@gmail.com  
Email                      Email                      Email



MELISSA LYNCH

TOWN OF WELLFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

  
4-7-2024

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.

N/A

If applicant is applying for a lease on private property, permission from the owner has been obtained.

The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,

The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.

This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant.

The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.

N/A

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

#### FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

##### SECTION 1: DEFINITIONS

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

**Licensed Area (Grant)** - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

**Resident** - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

#### **7.8. Issuance of Licenses for Aquaculture**

**7.8.1. Eligibility Requirements:** Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

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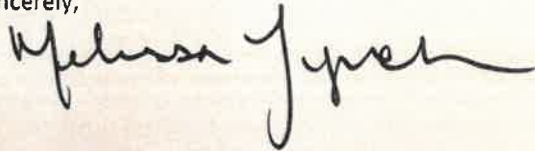
To: Wellfleet Selectboard

From: **MEUSSA LYNCH**

Date: 3/31/24

I, **MEUSSA LYNCH**, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A handwritten signature in black ink that reads "Melissa Lynch". The signature is written in a cursive style with a long, sweeping tail on the "h".



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

IV

### USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Kathe &amp; Richard Morse</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Bakers Field Pavilion</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of Bakers Field to Kathe and Brad Morse on Monday June 24, 2024; from 9:30am to 11:30am for a small breakfast gathering. For a fee of \$110</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

**TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667**

Applicant Kathe and Richard Morse Affiliation or Group none

Telephone Number 302 388-9089, 302 383 -4118 Mailing Address 2405 W. 17th St. Wilmington, DE 19806  
6 Snows Field Rd. Truro, MA 02666

Email address kathe.c.morse@gmail.com

Town Property to be used (include specific area) Baker's Field

Date(s) and hours of use: Monday June 24, 9:30 am to 11:30 am

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/ beverage service, etc. Also, please indicate if fees will be charged by applicant.

Social gathering of about 25 adults composed of family and close friends. On that Sunday, June 23rd, my husband and I are celebrating our 50th wedding anniversary in the afternoon at the Pamet Yacht Club in Truro. Our guests are primarily from out of town. We would like to offer them coffee and muffins the next morning as an end to the celebration. We will bring the coffee and muffins ourselves. We would like to use the picnic tables to place the food. It should be a quiet event. No music. There will be about 6 children ages 11 and younger who we would like to be able to use the playground equipment. They will be supervised by their parents. It should be a quiet event. No music. We plan to clean up the area and take the garbage with us to the transfer station in Truro. We have summer house in Truro that we have had and enjoyed for 15 years. We are very familiar with Truro and Wellfleet. My thought that the best parking area for the cars will be across the street by Mayo beach. Most people are coming as couples and there should be about a dozen cars needing parking. It is a family event.

Describe any Town services requested (police details, DPW assistance, etc.)

I do not think that we will need any services from the Town.

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

                     Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

\_\_\_\_\_

Date: Friday, March 22, 2024

Processing Fee: \$50.00

Fee: \$50<sup>00</sup>

(over)

*Kathe Morse*

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

**Health/Conservation Agent:**

ok - Keith Martinez  
Comments/Conditions:

Permits/Inspections needed:

**Inspector of Buildings:**

N/A  
Comments/Conditions:

Permits/Inspections needed:

**Police Department:**

ok - Chief LaRocco  
Comments/Conditions:

**Fire Department:**

ok - Chief Pauley  
Comments/Conditions:

**DPW:**

ok - Jay Newton  
Comments/Conditions:

**Community Services Director:**

ok - Suzanne Thomas  
Comments/Conditions:

**Harbormaster:**

N/A  
Comments/Conditions:

**Shellfish:**

N/A  
Comments/Conditions:

**Recreation:**

ok - Becky Rosenberg  
Comments/Conditions:

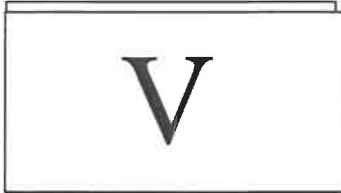
**Town Administrator:**

✓  
Comments/Conditions:



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



## BUSINESS

~ A ~

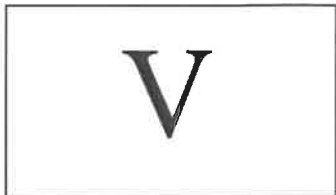
<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To discuss and possibly vote on appointing Thomas Guerino as the town administrator
<b>PROPOSED MOTION:</b>	I move to appoint Thomas Guerino as the Town Administrator for the town of Wellfleet for a three-year term subject to contract negotiations.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



---

## BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>Wellfleet Cable, Cellular Internet Advisory Committee</b>
<b>DESIRED ACTION:</b>	<b>To discuss and possibly vote to approve the grant application extending fiber coverage to the shoreline and dunes of Wellfleet.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the Grant application being submitted on behalf of the Town of Wellfleet by the Cable, Cellular, Internet Advisory Committee and direct the Town Administrator when the application is completer to sign on behalf of the town.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

To whom it may concern,

April 10, 2024

I am writing as the Town Administrator in the Town of Wellfleet, Massachusetts. Let me express my strong support for this project and this grant application to extend fiber coverage to the shoreline and dunes in our town of Wellfleet. This initiative is crucial for enhancing communication infrastructure, particularly for our first responders who serve our community diligently. The extension of town-owned fiber to cover the shoreline and dunes is essential.

In emergency situations, every second counts, and seamless communication can make all the difference in saving lives. Using these new Wi-Fi access points, the public can more quickly reach first responders, 12 months a year, 24 hours a day. This will save lives. By extending fiber coverage, we can ensure that our first responders have reliable access to communication networks, enabling them to coordinate their efforts efficiently and respond promptly to emergencies along the shoreline and dunes.

This shovel ready project will eliminate the barriers that prevent first responders from communicating with each other effectively. Interoperable communication systems are essential for emergency response teams to collaborate seamlessly during crises. Extending fiber coverage (Wi-Fi) will bridge existing gaps in communication infrastructure, enabling different agencies to coordinate their responses and work together seamlessly when faced with emergencies.

Furthermore, investing in extending fiber coverage aligns with our commitment to enhancing public safety and disaster resilience in Wellfleet. By proactively addressing communication challenges in vulnerable areas such as the shoreline and dunes, we can better prepare our community for emergencies and mitigate risks associated with communication breakdowns.

In conclusion, I urge you to support our grant application for extending fiber coverage to the shoreline and dunes in Wellfleet. This initiative not only addresses critical communication needs but also reinforces our town's dedication to ensuring the safety and well-being of all residents. Thank you for helping us move this initiative forward. Thank you for considering this important matter.

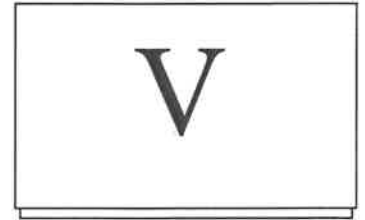
Sincerely,

Thomas Guerino  
Wellfleet Town Administrator





**SELECTBOARD**  
**AGENDA ACTION REQUEST**  
Meeting Date: April 16, 2024



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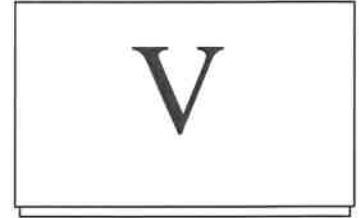
**BUSINESS**  
~ C ~

<b>REQUESTED BY:</b>	<b>Dredging Task Force</b>
<b>DESIRED ACTION:</b>	<b>To seek guidance from the Selectboard on moving forward with dredging the harbor.</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



## BUSINESS

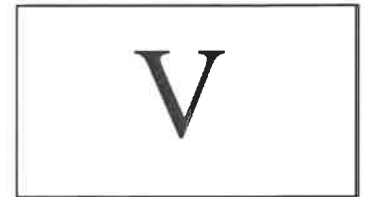
~ D ~

<b>REQUESTED BY:</b>	<b>Jay Norton ~ DPW Director; &amp; Tom Guerino, Interim Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To update the board and public on the progress of Bound Brook</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



## BUSINESS

~ E ~

<b>REQUESTED BY:</b>	<b>Interim Town Administrator ~ Tom Guerino</b>
<b>DESIRED ACTION:</b>	<b>To update the board and public on the status of the ice machine</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

VI

## CORRESPONDENCE

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To review correspondence that has been received via mail or email.
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	No motion is needed for this agenda item
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT  
WASHINGTON, DC 20240-0001

RE: Invitation to consult on the Gulf of Maine Commercial Wind Energy Lease Issuance; *response requested by no later than 30 days of receipt of this letter*

Dear Potential Consulting Party:

On March 18, 2024, the Bureau of Ocean Energy Management (BOEM), announced the publication of the agency's Notice of Intent to prepare an Environmental Assessment (EA) to consider the potential environmental impacts associated with site assessment and site characterization activities expected to take place after lease issuance for wind energy related activities in the Atlantic Outer Continental Shelf (OCS) offshore the States of Maine and New Hampshire and the Commonwealth of Massachusetts (i.e. Gulf of Maine), pursuant to 30 Code of Federal Regulations (CFR) Part § 585.211(a). BOEM has determined that the issuance of this commercial leases and subsequently approving site assessment activities in these lease areas constitute an undertaking subject to Section 106 of the National Historic Preservation Act (54 USC § 306101) (NHPA Section 106), and its implementing regulations (36 CFR 800). BOEM will serve as the lead Federal agency for the NHPA Section 106 review.

This letter has four purposes:

- To invite your organization to be a consulting party to the Section 106 review;
- To provide information on the undertaking and the Area of Potential Effects (APE) (Enclosure, Project Location Map) to help inform your decision as to whether or not you wish to be a consulting party;
- To inform you of ICF's assistance in the consultation process.
- To provide information on the next steps in the Section 106 process for parties choosing to participate; and

## **1. Invitation to Consult Under NHPA Section 106**

With this letter, BOEM invites you to be a consulting party to the NHPA Section 106 review of this undertaking. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations at 36 CFR Part 800. By becoming a consulting party, you would be actively informed of steps in the review process and your input would be actively sought. You would be given the opportunity to review and provide comments on BOEM's draft and final Finding of Effect document developed as part of the Section 106 process.

## **2. Definition of the Undertaking and Area of Potential Effects for the Undertaking**

On March 15, 2024, BOEM released the Announcement of the Area Identification (Area ID) Memorandum, available for review on BOEM's website for the Project at

<https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>. The Area ID Memorandum documents the analysis and rationale used to develop the Wind Energy Areas (WEAs) in the Gulf of Maine. The Gulf of Maine is an offshore area extending generally south from offshore Maine to Cape Cod, Massachusetts. The Proposed Action would issue commercial leases within the WEAs and grant of rights-of-way (ROWs) and rights-of-use and easement (RUEs) in the region of the OCS offshore Maine, New Hampshire, and Massachusetts. The Project location is depicted on the enclosed map.

If issued, the commercial leases would not authorize any construction activities on the OCS. However, once the lease is issued, the lessee will commit to site assessment activities in the lease area (i.e., placement of a meteorological ocean buoy) and site characterization activities (i.e., geophysical and geotechnical, biological, and archaeological surveys and monitoring activities) in and around the lease area and between the lease area and the shoreline. Information gathered from site assessment and site characterization activities would be used by the lessees to develop construction and operations plans (COPs) for potential future construction and operation of offshore wind turbines and associated commercial wind energy facilities, which BOEM would consider in a subsequent environmental analysis after receiving the COP.

This EA does not consider construction and operation of any commercial wind energy facilities within the Gulf of Maine, which, if proposed, would be evaluated by BOEM as a separate NEPA action and NHPA Section 106 review for the undertaking. More information regarding the Commercial Lease Area and NEPA process may be found at [Gulf of Maine | Bureau of Ocean Energy Management \(boem.gov\)](#).

The APE for this undertaking is defined as the depth and breadth of the seabed that could potentially be affected by seafloor/ground-disturbing activities associated with site characterization activities. This includes the discrete horizontal and vertical areas of the seafloor that may be affected through geotechnical sampling, which may include the collection of core samples, soil borings, or other bottom-disturbing techniques that could directly affect historic properties on or below the seafloor, if present. In addition, geotechnical sampling may also require the use of barges or anchored vessels that could also directly affect historic properties, if present.

Site characterization activities could occur within the extent of the Gulf of Maine WEAs and along corridors that extend from the WEAs to the onshore energy grid. It is anticipated these ROW/RUE routes would consist of a minimum 200-foot-wide corridor centered on any anticipated cable locations. Because any ROW or RUE grants considered as part of this undertaking have not been issued, BOEM is uncertain of the exact location of these cable corridor surveys. However, BOEM can anticipate their general geographic extent given that power generated from potential Gulf of Maine lease areas would need to be transmitted to shore, either directly from the lease areas by individual export cables to onshore cable landings and/or to offshore regional transmission system(s). These potential export cables are anticipated to be offshore Maine, New Hampshire, and Massachusetts. Therefore, for the purposes of this undertaking, BOEM estimates that the APE associated with cable site characterization activities would occur within discrete corridors in the region between shore and the Gulf of Maine WEAs.

Based on the distance from shore and the minor in scale and temporary manner in which site characterization studies will likely occur, BOEM has concluded that the vessels performing these



activities will be indistinguishable from existing lighted vessel traffic from an observer onshore. Therefore, BOEM has not defined as part of the APE onshore areas from which the site characterization activities would be visible. In addition, there is no indication that the issuance of a lease or grant of a RUE or ROW and subsequent site characterization will involve expansion of existing port infrastructure. Consequently, onshore staging activities are not considered as part of the APE for this specific undertaking.

### 3. ICF Assistance

BOEM has assigned ICF as the third-party contractor to facilitate the Section 106 consultation process. All Federal oversight and decisions will remain with BOEM. ICF's role in this Section 106 review is administrative; ICF will coordinate communication with the consulting parties; facilitate distribution of BOEM-approved documents; and provide technical assistance.

### 4. Next Steps

If you would like to be a consulting party to this project, please respond please respond to the primary contact at ICF for the Project, Phillip Quirk at (404) 464-3621 or [GulfofMaine.Section106@icf.com](mailto:GulfofMaine.Section106@icf.com).

Please submit your request to become a consulting party ***no later than 30 days of receipt of this letter***. While you may also request to be a consulting party at a later date, the Section 106 consultation may advance without your input and your opportunity to fully comment. If you are requesting consulting party status, designate one representative and one alternate from your organization to receive future correspondence. Please provide contact information for each representative including a current mailing address, email address, and phone number. We also request that you indicate your preferred correspondence method: hard copy correspondence by mail, electronic correspondence via email, or both.

Please contact me, the BOEM Section 106 Project Lead, Sarah Stokely, at (703) 787-1085 or [sarah.stokely@boem.gov](mailto:sarah.stokely@boem.gov) if you require additional information. We look forward to working with you.

Sincerely,

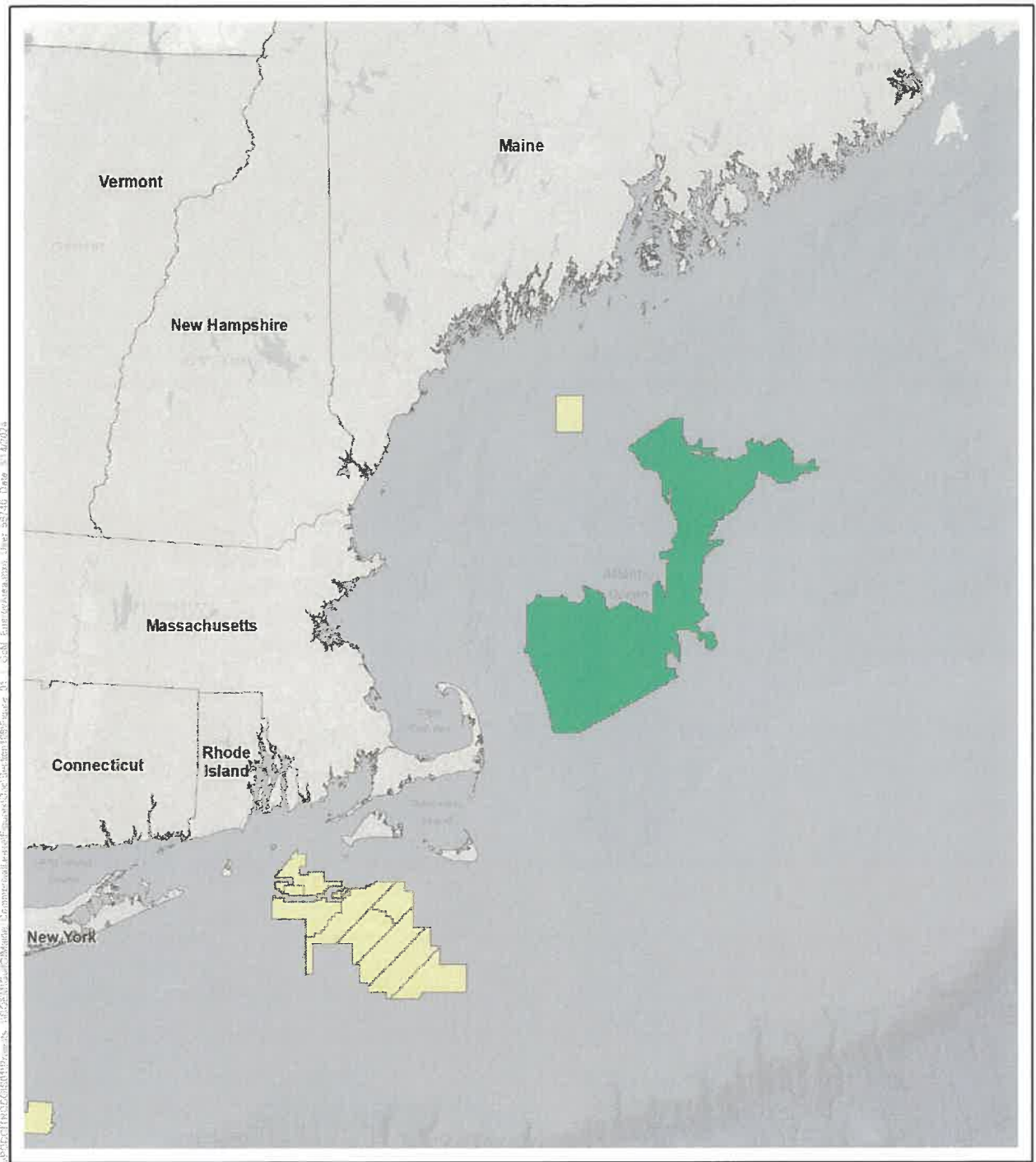
SARAH  
STOKELY



Digitally signed by SARAH  
STOKELY  
Date: 2024.03.20 13:36:22  
-04'00'

Sarah Stokely  
Section 106 Team Lead  
Environmental Branch for Renewable Energy  
Office of Renewable Energy Programs

Enclosure: Project Location Map

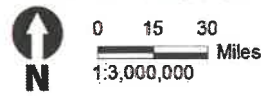
Enclosure: Project Location Map



-  Gulf of Maine Wind Energy Area
-  Other BOEM Lease Areas



Source: Gulf of Maine 2024.



## Rebekah Eldridge

---

**From:** Jude Ahern <jude@judeahern.com>  
**Sent:** Monday, April 1, 2024 10:54 AM  
**To:** Tom Guerino; Board of Selectmen  
**Subject:** obtaining communication between WSD and SPAT (d/b/a WOA) will cost me \$ and be redacted  
**Attachments:** Good faith estimate 3 19 24.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Tom and Selectboard:

Attached is the Town's good faith estimate for \$ 25 to locate communication between Nancy Civetta and SPAT (now d/b/a Wellfleet Oyster Alliance) which is designed to buy more time. I made the request on 3/19, our Town Clerk responded with this estimate last Friday, March 29. If I bring a check today, an additional 15 business days brings us to after the Warrant is closed.

This is why NGOs should not be allowed to give money to policy decisions to circumvent the public process:

"Please note, for that part of your public records request asking for the RFP for expanding our Chapter 91 cultching permit, there are no records responsive. An RFP was not required. **For the application to the WOA, that was recently sent to the SAB, I have attached free of charge.** For any remaining records for "any communications between the Board of directors and Wellfleet Town staff would be subject to the good faith estimate below. If you wish to pursue this request, the Town **will need to conduct more a comprehensive search** for and to locate the records, and also to conduct a privilege review regarding such communications, **many of which are likely protected by the attorney-client privilege.**"

As you can see from Nancy's application for this grant, she expects this process to be finished by Spring 2024: "The permitting process will hopefully be completed by Spring 2024 and the permit will be ongoing" They do not plan to contact every bayside waterfront property owner which totals in the hundreds, has anyone asked? Coastal Engineering's update to their Scope of Work dated December 22, 2023 does not mention sending out any notifications to abutting landowners. What town employee will be tasked with this, Jennifer Eisensohn?

Nancy wants to push this through with just a 20-day comment period in the *Environmental Monitor*. I've been saying this for a year.

## 10 Main Street Design Modifications

Project Name / Route 6 and Main Street Intersection Improvements, Wellfleet MA

**Date/Time:** March 19, 2024 / 11:00 AM  
**Place:** 10 Main Street, Wellfleet, MA  
**Next Meeting:** N/A  
**Attendees:** Property Owners/Representatives: Roland Letendre, Zachary Ment  
 MassDOT: Mike McGrath, Mike Zuzevich, Ian Bettencourt, Mark Carroll  
 Town of Wellfleet: Jay Norton, Peter Morris  
 Lawrence Lynch: Mike Norton, Alvaro Asevedo  
 MON Landscaping: Mike  
 Stantec: Jill McLaughlin  
  
**Absentees:** N/A  
**Distribution:** Project File

Item:	Action:
<p><b>A meeting was held in person to discuss potential design modifications to lessen impacts to the trees (2 cherry trees and 1 cedar tree) at 10 Main Street. Previous meetings had been held with MassDOT and the Town to discuss impacts to these trees and the desire to retain the cedar tree.</b></p>	
<p>1. The current design was reviewed in relationship to the existing trees at 10 Main St. The following modifications were requested to minimize impacts to the roots and to try to retain the cedar tree:</p> <ul style="list-style-type: none"> <li>a. The contractor had placed stakes prior to the meeting and explained that the stakes represented the limit of work plus 1 foot.</li> <li>b. Jill noted the town had previously requested the sidewalk width be adjusted to 4 feet so the limit of work would come in roughly 1 ft from where the stakes are currently placed.</li> <li>c. It was requested that the traffic signal conduit and handholes be moved away from the trees. Either moved down station or across the road if possible.</li> <li>d. It was requested that the catch basin near the 22-inch cedar be shifted east to move out of the critical root zone for the 22 inch cedar. It was also requested that the flanking inlet be moved between the existing trees to minimize root damage. Mr. Letendre stated the driveway opening width can be reduced to facilitate this if needed. Mr. Letendre also stated that he can</li> </ul>	<p>Stantec to provide updated plans to show a 4 foot wide sidewalk in front of 10 Main St.</p> <p>Stantec to evaluate relocating the traffic signal conduit.</p> <p>Stantec to evaluate relocating drainage structures away from the tree root system.</p>

Design with community in mind

Item:	Action:
<p>redo the accessible parking stall if needed due to the driveway opening modifications.</p> <p>2. Mr. Letendre acknowledge that the trees may not survive construction and asked if the Town would replace the cedar during the duration of construction if the tree is negatively impacted by the work. The Town agreed they could provide a replacement tree during construction if needed.</p> <p>3. The purpose of the plastic structural cell system was discussed. Jill had noted that the intent is that the roots would be pruned 6 months to 1 year prior to work being done in the area. The plastic structural cell system would give the tree roots space to grow into quickly to support establishment. After pruning the roots, the Mr. Letendre and Mr. Ment agreed to supporting the health of the trees with watering and fertilizer. It was recommended to water 1 inch every 3 days.</p>	

The meeting adjourned at 12:30 PM

The foregoing is considered to be a true and accurate record of all items discussed. If any discrepancies or inconsistencies are noted, please contact the writer immediately.

Stantec Consulting Services, Inc.

**Jill McLaughlin, P.E.**  
Sr. Associate  
Phone: 508-591-4376

Design with community in mind

March 25, 2024

Mr. Tom Guerino  
Interim Town Administrator  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

Re: Immediate Response Action  
Mid-Cape Home Centers  
30 Commercial Street  
Wellfleet, MA 02667  
RTN 4-30139

Dear Mr. Guerino,

Weston & Sampson Engineers, Inc. (Weston & Sampson) is hereby notifying your office that an Immediate Response Action (IRA) has been implemented at the above-referenced location (the Site). The IRA was initiated after the sudden release of heating oil from an exterior aboveground storage tank (AST) triggering a 2-hour reportable condition. The Massachusetts Department of Environmental Protection (MassDEP) was notified of the release pursuant to the Massachusetts Contingency Plan (MCP) 310 CMR 40.0332(1) and MassDEP assigned Release Tracking Number (RTN) 4-30139 to the release. The MassDEP subsequently approved an IRA including removal of released oil and impacted soil / groundwater, and soil and groundwater assessment and monitoring. IRA activities are on-going at the Site.

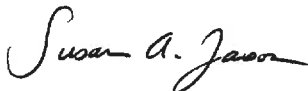
This notification is provided in accordance with the public involvement requirements of the MCP 310 CMR 40.1403(3)(b). An IRA Plan detailing activities conducted to date and planned future activities is on file and available for public review at MassDEP's Southeastern Regional Office (SERO) in Lakeville, Massachusetts or online at the Massachusetts Executive Office of Energy & Environmental Affairs (EEA) Data Portal under Waste Site / Reportable Releases at the web address below:

<https://eeasonline.eea.state.ma.us/EEA/fileviewer/Rtn.aspx?rtn=4-0030139>

If you have any questions or concerns regarding this notice, please do not hesitate to contact the undersigned at [jason.susan@wseinc.com](mailto:jason.susan@wseinc.com) or (978) 573-4172.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Susan A. Jason, LSP  
Senior Project Manager

March 25, 2024

Mr. Tom Guerino  
Interim Town Administrator  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

Re: Notice of Release Notification Submittal  
Mid-Cape Home Centers  
30 Commercial Street  
Wellfleet, MA 02667  
RTN 4-30139

Dear Mr. Guerino,

Pursuant to the requirements of the Massachusetts Contingency Plan (MCP) 310 CMR 40.1403(3)(h)(1), Weston & Sampson Engineers, Inc. (Weston & Sampson) is hereby notifying your office that a Release Notification Form (RNF) has been submitted to the Massachusetts Department of Environmental Protection (MassDEP) for the above-referenced location (the Site).

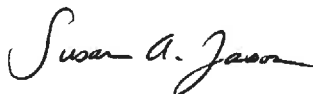
On January 25, 2024, a sudden release of heating oil from an exterior aboveground storage tank (AST) was identified at the Site triggering a 2-hour reportable condition. The Massachusetts Department of Environmental Protection (MassDEP) was notified of the release pursuant to the Massachusetts Contingency Plan (MCP) 310 CMR 40.0332(1) and MassDEP assigned Release Tracking Number (RTN) 4-30139 to the release.

On March 25, 2024 a RNF was submitted to the MassDEP for (RTN) 4-30139. A copy of the RNF is attached for your records. Pursuant to 310 CMR 40.1403(3)(h)(1)(b) local officials have the right to request additional Public Involvement Activities under 310 CMR 40.1403(9) and upon tier classification under 310 CMR 40.1404.

If you have any questions or concerns regarding this notice, please do not hesitate to contact the undersigned at [jason.susan@wseinc.com](mailto:jason.susan@wseinc.com) or (978) 573-4172.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Susan A. Jason, LSP  
Senior Project Manager

Attachment: Release Notification Form



RELEASE NOTIFICATION & NOTIFICATION  
RETRACTION FORM

Release Tracking Number

4 - 30139

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

A. RELEASE OR THREAT OF RELEASE LOCATION:

1. Release Name/Location Aid: MID-CAPE HOME CENTER  
2. Street Address: 30 COMMERCIAL STREET  
3. City/Town: WELLFLEET 4. ZIP Code:  
5. Coordinates: a. Latitude: N 41.93645 b. Longitude: W 70.03028

B. THIS FORM IS BEING USED TO: (check one)

- 1. Submit a Release Notification
2. Submit a Revised Release Notification
3. Submit a Retraction of a Previously Reported Notification of a release or threat of release including supporting documentation required pursuant to 310 CMR 40.0335 (Section C is not required)

(All sections of this transmittal form must be filled out unless otherwise noted above)

C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR):

1. Date and time of Oral Notification, if applicable: 1/25/2024 Time: 12:05 AM PM
2. Date and time you obtained knowledge of the Release or TOR: 1/25/2024 Time: 11:35 AM PM
3. Date and time release or TOR occurred, if known:

Check all Notification Thresholds that apply to the Release or Threat of Release: (for more information see 310 CMR 40.0310 - 40.0315)

4. 2 HOUR REPORTING CONDITIONS 5. 72 HOUR REPORTING CONDITIONS 6. 120 DAY REPORTING CONDITIONS

- a. Sudden Release
a. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/2 Inch (.04 feet)
a. Release of Hazardous Material(s) to Soil or Groundwater Exceeding Reportable Concentration(s)
b. Threat of Sudden Release
b. Underground Storage Tank (UST) Release
b. Release of Oil to Soil Exceeding Reportable Concentration(s) and Affecting More than 2 Cubic Yards
c. Oil Sheen on Surface Water
c. Threat of UST Release
c. Release of Oil to Groundwater Exceeding Reportable Concentration(s)
d. Poses Imminent Hazard
d. Release to Groundwater near Water Supply
d. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/8 Inch (.01 feet) and Less than 1/2 Inch (.04 feet)
e. Could Pose Imminent Hazard
e. Substantial Release Migration
f. Release Detected in Private Well
g. Release to Storm Drain
h. Sanitary Sewer Release (Imminent Hazard Only)





**Massachusetts Department of Environmental Protection**  
*Bureau of Waste Site Cleanup*

**RELEASE NOTIFICATION & NOTIFICATION  
 RETRACTION FORM**

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

**BWSC 103**

Release Tracking Number

4 - 30139

**C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR): (cont.)**

7. List below the Oils (O) or Hazardous Materials (HM) that exceed their Reportable Concentration (RC) or Reportable Quantity (RQ) by the greatest amount.

Check here if an amount or concentration is unknown or less than detectable.

O or HM Released	CAS Number, if known	O or HM	Amount or Concentration	Units	RCs Exceeded, if Applicable (RCS-1, RCS-2, RCGW-1, RCGW-2)
#2 FUEL OIL		O	250	GAL	N/A

Check here if a list of additional Oil and Hazardous Materials subject to reporting, or any other documentation relating to this notification is attached.

**D. PERSON REQUIRED TO NOTIFY:**

1. Check all that apply:  a. change in contact name  b. change of address  c. change in the person notifying

2. Name of Organization: US LBM OPERATING CO. 2009, LLC

3. Contact First Name: JACK 4. Last Name: STEVENSON

5. Street: 465 ROUTE 134 6. Title: PRESIDENT

7. City/Town: SOUTH DENNIS 8. State: MA 9. ZIP Code: 026600000

10. Telephone: 508-400-1915 11. Ext.: \_\_\_\_\_ 12. Email: jstevenson@midcape.com

13. Check here if attaching names and addresses of owners of properties affected by the Release or Threat of Release, other than an owner who is submitting this Release Notification (required).

**E. RELATIONSHIP OF PERSON TO RELEASE OR THREAT OF RELEASE:**  Check here to change relationship

1. RP or PRP  a. Owner  b. Operator  c. Generator  d. Transporter

e. Other RP or PRP Specify: \_\_\_\_\_

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Otherwise Required to Notify Specify Relationship: \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC 103

RELEASE NOTIFICATION & NOTIFICATION  
RETRACTION FORM

Release Tracking Number

4 - 30139

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

F. CERTIFICATION OF PERSON REQUIRED TO NOTIFY:

1. I, JACK STEVENSON, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By : JACK STEVENSON Signature 3. Title: PRESIDENT

4. For: US LBM OPERATING CO. 2009, LLC 5. Date : 3/25/2024 mm/dd/yyyy  
(Name of person or entity recorded in Section D)

6. Check here if the address of the person providing certification is different from address recorded in Section D.

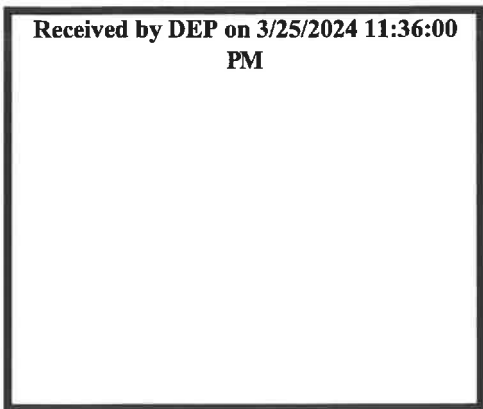
7. Street:

8. City/Town: 9. State: 10. ZIP Code:

11. Telephone: 12. Ext.: 13. Email:

YOU ARE SUBJECT TO ANNUAL COMPLIANCE ASSURANCE FEES FOR EACH BILLABLE YEAR FOR TIER CLASSIFIED DISPOSAL SITES. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)



## Rebekah Eldridge

---

**From:** Jude Ahern <jude@judeahern.com>  
**Sent:** Tuesday, April 2, 2024 9:55 AM  
**To:** Tom Guerino; Board of Selectmen  
**Subject:** Hillary said nobody contacted her and stated once again that Nancy needs to first go before Cons Comm

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

About expanding the Chapter 91 cultching permit. She knows this. Hillary also mentioned that she hears Don Monroe had retired from Coastal Engineering.

Just FYI before you vote to circumvent the People and just take grant money for a policy decision.

Jude



# Wellfleet Police Department

36 Gross Hill Road  
Wellfleet MA. 02667  
Phone 508-349-3702  
Fax 508-349-7683



Kevin M. LaRocco  
Chief of Police

Michael P. Turner  
Deputy Chief

April 3, 2024

From: Chief Kevin M. LaRocco  
To: Wellfleet Selectboard

Subject: Grant Award / Acknowledgement

The Wellfleet Police Department applied and was awarded an OGR Grant for the sum of \$3,997.50 as part of the 2024 Car Seat Distribution Program. I would like to commend and acknowledge Officer Matthew McGue for his hard work and dedication to the citizens and visitors of Wellfleet. Officer McGue always goes the extra mile when it comes to community policing. In addition to receiving this grant, please see an email I received regarding Officer McGue.

Respectfully submitted.

Kevin M. LaRocco  
Chief of Police

Cc: Tom Guerino

*Proudly Serving and Protecting our community*

## Kevin LaRocco

---

**From:** Toby Simon  
**Sent:** Friday, March 29, 2024 2:20 PM  
**To:** Kevin LaRocco  
**Cc:** Matthew McGue  
**Subject:** Thank you so much!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chief LaRocco,

Yesterday morning, prior to driving to RI to pick up my son and granddaughters at the airport, I stopped by the Fire Department looking for some help with a child car seat. (one needs a Ph.D to install one!)

Deputy Joe Cappella told me the Police Dept handles car seats so he called your department to find me some assistance.

I was able to drive to where Office McGue was on duty and he met me on Rte 6. Not only was he incredibly helpful in researching the model and asking me about the child's weight and age, but he went the extra mile (3, actually) to take our expired seat and go find me a new one that was a recent model. Office McGue knew I was en route to meet their plane so he was extra efficient in getting the seat installed properly.

The entire ride I kept thinking about the kindness and care Office McGue showed me. And it's been my experience that all your officers show our community respect, kindness and an abundance of assistance.

We are very lucky to have you watching out for us here in Wellfleet. As I drove to RI I kept smiling just thinking about how different my experience would have been in most other places!!

Toby Simon  
430 King Phillip Rd  
Wellfleet

## Rebekah Eldridge

---

**From:** petros@surewest.net  
**Sent:** Thursday, April 4, 2024 1:29 PM  
**To:** Board of Selectmen  
**Subject:** Ceasefire warrant

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Congrats to Barbara Carboni on a sense able abstention vote on this warrant.

Stay in your lane BOS

The warrant should include language that the 10/7 attack on Israel by Gaza was a violation of the ceasefire agreement enforce then.

Know Jesus know peace. No Jesus NO PEACE

Amen.

Peter Huhtala

## Rebekah Eldridge

---

**From:** Denice Lapierre <denicelapierre@gmail.com>  
**Sent:** Thursday, April 4, 2024 10:08 PM  
**To:** Board of Selectmen; Tom Guerino  
**Subject:** Capital Plans

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To All,

I understand what we were going over tonight at the Select Boards extra meetings to accommodate budgets were part of your predetermined agenda to vote on but I also feel there have been issues that were not fully addressed by the public that require your attention. The issue of a grant provided by WOA and an ask for funds from the SAB teeter on lines of policy and should not have been only for your vote to accept but more research on your behalf along with taking public comment seriously. Why we need a full harbor examination permit is up for debate and I do not think you take public comment seriously on this topic amongst others. We have had many shellfishermen come forward with clutching guidance that has been dismissed. I personally feel as a taxpayer I would like to explore this avenue before any further exploratory and costly ventures that expose us to long term costs to finish a project are given permission. Lets get fiscally responsible about how we approach these projects and their goals. There seems to be a sentiment among some of our board members that department heads are the full authority on all matters without public input. I find this a problem. I will also say that I do not appreciate my tax dollars subsidizing any business in town and procurement of bids for any public area should be done without bias and with complete consideration for our town property and our tax dollars. John Wolf might need to explain his outburst at the last meeting regarding this. If he has a personal investment, that isn't appropriate at a selectboard meeting. We have a few members of the board that with a lookback might need to answer to their decisions and comments as well.

I got my tax bill yesterday. I am telling you now I am not ok with expansion of services. I have lived here a long time and have NEVER felt an expansion of services benefited my experience as a townsperson so that argument is nonsense. There is a huge disconnect between departments that are double what they started at and the true value to the patrons of Wellfleet. I intend to hold you all accountable. When will we get to a place where real people that live actual real Wellfleet lives get a voice?

I hope this correspondence gets posted in our next selectboard packet. There have been many comments not included but the public should see all correspondence.

Denice Lapierre

--

Denice Lapierre  
(508)237-7133

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 6:08 AM  
**To:** Board of Selectmen  
**Subject:** Redacting any correspondence between WSD and SPAT re: grant

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The town clerk replied that no communication existed between Nancy and SPAT about that grant.

But first she made me wait 10 days and then pay an additional \$25 for Nancy to respond two days later (they have an additional 15) with nothing.

Are any of you going to ask Tom to ask Nancy how this is possible?

It's not.

Jude

Sent from my iPhone



## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 6:17 AM  
**To:** Board of Selectmen; Tom Guerino  
**Subject:** Fwd: All communication between you and the town of wellfleet about that \$25k grant

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Let's see if they respond. If not, as I said, they don't want to or feel they have to. Have any of you seen their statement to the IRS about their new name and mission? Please do because they won't respond to my emails about that simple question.

So the Town of wellfleet is now for sale? You just have to pay to play? Is that why Ducks Unlimited plowed down all the trees at Duck Harbor, because you are letting them name the \$49m bridge to nowhere?

Got it.

Jude

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** April 5, 2024 at 6:12:50 AM EDT  
**To:** bod@wellfleetspat.org  
**Subject:** All communication between you and the town of wellfleet about that \$25k grant

Dear Board:

It is disturbing that nobody replies to my emails in any way.

Please confirm that you were asked by the Town to release any and all communication between WOA and Nancy Civetta or any member of the wsd about the grant she applied to to continue to violate the wetland protection act and dump cultch wherever they want with no regard for any success.

If you don't reply I will assume you don't want to reply.

We need to know how this all came bout exactly because she forgot the first step: asking Cons Comm.

Jude

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 5:03 PM  
**To:** Board of Selectmen  
**Subject:** Fwd: And another 4 hours for coastal engineering?!  
**Attachments:** GFE March 28 2024 Coastal .pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Again, there is no way I am paying for this information. All of you were negligent.

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** April 5, 2024 at 4:59:13 PM EDT  
**To:** Tom Guerino <Tom.Guerino@wellfleet-ma.gov>  
**Subject:** And another 4 hours for coastal engineering?!

She already sent a spreadsheet she made of some invoices paid to Coastal Engineering sent to SAB on Wednesday, April 3rd one half hour before the meeting and to me on Friday afternoon 10 days after I made the request. I asked her on Wednesday why she didn't please also send it to me and she did not reply. Tom, these monies already spent should have been discussed before you recommended that the Selectboard accept this pay to play money from SPAT. Since you saw nothing to be concerned about, YOU can get me this information. I'm not paying for it. 8 hours for basic accounting for her 2024 pet idea.

Sent from my iPhone



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

April 05, 2024

BY ELECTRONIC MAIL ONLY (Jude@Judeahern.com)

Public Records Requests Received on March 28, 2024 - Town of Wellfleet

Dear Ms. Ahern,

The Town of Wellfleet (the "Town") is in receipt of a public records request, dated March 28, 2024.

As the custodian of the requested records, I am providing the within response in accordance with M.G.L. c. 66, §10 of the Massachusetts Public Records Law.

## **Summary of Request:**

Any and all invoices to the Town of Wellfleet from Coastal Engineering for any activities associated with the Wellfleet Shellfish Department since July 1, 2022. This includes any and all drafts and ALL communication between Nancy Civetta and the Wellfleet Shellfish Department and any employee of Coastal Engineering, most importantly Don Monroe and Carla Davis, about this work.

## **Response:**

As an initial matter, please be advised that the Town's duty to respond to records requests extends only to records that are in existence and in its custody, and the Town is under no obligation to create records in response to your request. Furthermore, the Town is not required to answer questions in response to a public records request. See "A Guide to the Massachusetts Public Records Law," February 2022, published by the Secretary of the Commonwealth, at page 41.

The Town has reviewed your request, and based upon its initial review, it has determined it may have responsive records. Responsive records that are subject to mandatory disclosure under the Public Records Law will be provided upon payment of any applicable fees (noted below). Where permitted by law, however, please be advised that such records or material contained therein may be withheld or redacted under any of the exemptions to the Public Records Law, other applicable provisions of law, and/or common law privileges, such as the attorney-client privilege. See, e.g., G.L. c. 4, §7(26); Suffolk Construction Co. v. Div. of Capital Asset Management, 449 Mass. 444, 449-450 (2007); 950 CMR 32.06(3).

Please be further advised that the Town reserves the right to identify and assert any applicable exemption or privilege, and nothing herein shall limit the Town's ability to redact or withhold information in accordance with state or federal law and/or other applicable privileges.

If you wish to pursue this request, the Town will need to conduct a more comprehensive search for and to locate the records. The employee search and segregation time quoted below is charged at the hourly rate of the lowest paid person capable of searching for the responsive records, in accordance with 950 CMR 32.07(2)(i). Such an hourly rate shall not exceed \$25 per hour unless otherwise authorized by the Supervisor of Records. Where the lowest paid employees capable of doing this work are paid at rates of more than \$25 per hour, you will be charged at the maximum rate of \$25.00 per hour. Please note that because the Town has less than 20,000 residents, pursuant to the last Decennial U.S. Census, you will be charged for the first two hours of work associated with this request.

The actual cost of producing the records may vary once the Town begins preparing the records for response.

**Fee Estimate**

It is estimated that it will cost \$100.00 to comply with your Request. That amount is broken down as follows:

Employee search time:

<i>Title</i>	<i>Hours</i>	<i>Per Hour Reduced to \$25.00 hour</i>
Shellfish Constable	4 Hours	\$25.00
Total	4	\$100.00

Upon receipt of your payment in the amount of \$100.00 made payable to the Town of Wellfleet, the Town will begin the work necessary to search and redact (where required by law) the documents you have requested. It is anticipated that the Town shall produce non-privileged requested records, if any, subject to withholding or redaction, within fifteen (15) business days of receiving payment.

**Statement of Appeal Rights**

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within ten (10) business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c).

Best Regards,

Jennifer M. Congel  
Town Clerk/RAO

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 4:43 PM  
**To:** Board of Selectmen  
**Subject:** Fwd: invoices for comprehensive cultching report 2020-2023  
**Attachments:** GFE March 28 2024 Cons com doc.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sure the accounting is going to be kept separate, she does not have a handle on how much all of this has and will cost in money and time. She already wasted six months of our time last year from march-august.

I refuse to pay for this.

Sent from my iPhone

Begin forwarded message:

**From:** Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>  
**Date:** April 5, 2024 at 4:11:48 PM EDT  
**To:** Jude Ahern <jude@judeahern.com>  
**Subject: RE: invoices for comprehensive cultching report 2020-2023**

Dear Jude,  
In response to your public records request, please see the attached.

Best Regards,  
Jennifer

Jennifer M. Congel  
Town of Wellfleet - Town Clerk  
300 Main Street  
Wellfleet MA 02667  
Phone 508-349-0301  
Fax 508-349-0317



Open Meeting Notices must be submitted to the Town Clerk's office at least 1/2 hour prior to the close of business. Except in an emergency, a public body must post a notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

**\*\*The Commonwealth of Massachusetts Secretary of State has determined that e-mail is a public record\*\***

**From:** Jude Ahern <jude@judeahern.com>  
**Sent:** Thursday, March 28, 2024 8:19 AM  
**To:** Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>  
**Subject:** invoices for comprehensive cultching report 2020-2023

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jennifer. I promise, this is the last one, maybe forever.

Pursuant to the Massachusetts Public Records Law, M.G.L. c.66, §10, I hereby request the following records:

Any and all invoices and estimates, paid or unpaid, to the Town of Wellfleet for any activities associated with the creation of the document entitled "ConsComm\_comprehensive\_cultching\_report\_2020-2023.pdf" presented to our Conservation Commission with great fanfare in November 2023. This includes all of the mapping and GPS technology assistance associated with creating this document.

I also request that, if appropriate, fees be waived as we believe this request is in the public interest, as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records. The requested documents will be made available to the general public free of charge and not for commercial usage.

I expect the request to be filled in an accessible format. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request as soon as possible but within 10 business days as the statute requires.

Sincerely,  
Jude Ahern

## Rebekah Eldridge

---

**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Friday, April 5, 2024 10:09 AM  
**To:** Tom Guerino; Barbara Carboni; John Wolf; Michael DeVasto; Ryan Curley; Timothy Sayre  
**Cc:** Karen Plantier; Rich Bienvenue; Frank Destino; Jared Aponte; Jennifer Congel; Rebekah Eldridge  
**Subject:** You are Officially Notified

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A public records request for the Shellfish funds and accounts was filed 1/19/24. The difficulty finding this record, the multiple honest attempts, as well as other responses to this request have been confusing. I filed a second one 4/3/24 in an effort to get clarity. To date it is unclear what is going on with the multiple shellfish department funds. What is becoming clear is that the names used for the fund for "propagation", the 'Shellfish Revolving fund for propagation', which it is sometimes called and which is supposed to capture 75% of the shellfish revenue, is at least at some points over the last 5-6 years, including right now, confused with the Shellfish revolving fund. It is also becoming clear that the Warden knows this and that she may have known this for quite some time. On 3/19/24 at the BOS meeting it was clear that Rich Bienvenue had not been informed of this. (I don't know if he now knows of all the shellfish funds and that there is close to 300 K in these funds. and that the titles are confused. )

I said all of this at the 4/4/24 BOS meeting at the 1:21 mark immediately before you voted to increase and approve the spending limit on the "Shellfish Fund for Propagation". I wonder if you are clear which fund that is.

The Board, the former and the interim TAs all have been informed repeatedly, and share a responsibility to investigate this. This has not happened despite many public and private requests that you do so.

Please let there be no question that now you are aware of this information.

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 5:08 PM  
**To:** Board of Selectmen; Tom Guerino  
**Subject:** Fwd: SPAT/WOA

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bruce's barking speaks for itself. Tom, John Wolf and Michael DeVasto are his clients.

Jude

Sent from my iPhone

Begin forwarded message:

**From:** Bruce Bierhans <bruce@bierlaw.com>  
**Date:** April 5, 2024 at 1:27:57 PM EDT  
**To:** jude@judeahern.com  
**Subject:** SPAT/WOA

Dear Ms. Ahern:

I am in possession of emails you have recently forwarded to SPAT regarding the Wellfleet Shellfish Dept. Community Grant Application.

As you know, any such communications are public documents and are available to you through procedures of which you are well aware. In addition, your baseless allegation about violations of the Wetland Protection Act, suggests that you are not merely looking for information, but only seek to attack the hardworking folks at the shellfish department and SPAT.

Please be reminded that any requests for information from SPAT (which continues to be the operating company for WOA, which is a d/b/a), are to be directed to me. If, in my sole discretion, I conclude that your request is made in good faith and warrants consideration, I will respond appropriately. But please rest assured that I will not allow my client to be threatened or intimidated by your false allegations, which have been occurring with some regularity over a period of many years. Be well.

Thank you,

Attorney Bruce A. Bierhans  
Law Offices of Bruce A. Bierhans LLC  
540 Main St. Suite 17



Hyannis, MA 02601

508-775-4500 (Office)

508-775-4511 (Fax)

617-851-1172 (Bruce Cell)

bruce@bierlaw.com (Bruce Email)

www.bierlaw.com

**Martindale Rated AV Preeminent for 28 years**

**Super Lawyer Rated**

**A Massachusetts Lawyers Weekly 2023 Lawyer of the Year**

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 5:16 PM  
**To:** Board of Selectmen; Tom Guerino; bruce@bierlaw.com  
**Subject:** Fwd: Harborwide cultching permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The fact remains that our shellfish did knowingly violate the Wetlands protection Act as well as its Order of Conditions from Cons Comm for cultching. She admits that she cultched more than not outside of the approved permitted areas, she hasn't done any monitoring as promised years ago. She claimed she "didn't know" before Coms Comm in August 2023, this is also not true if you watch May 2019 SAB meeting video I am happy to send if I thought any of you would actually care enough to watch 8 minutes of her and Johnnie explain how they don't like that they can't cultch the whole harbor. Last night she claimed she didn't know when Coastal Engineering sent a bogus map to MEPA on 9/9/23. Who then instructed them to approach MEPA on our behalf if not Nancy?

And these are the people you just allowed to set policy.

They never explained the second \$125k payment to ARC and until they do they have no earned the public trust.

Jude

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** February 21, 2024 at 6:32:30 AM EST  
**To:** bod@wellfleetspat.org  
**Subject:** Fwd: Harborwide cultching permit

I heard you are going to promote violating the Wetlands Protection Act!

Please tell me today the name of the person to ask financial questions of your organization.

Thank you.

Jude

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** February 21, 2024 at 6:29:03 AM EST  
**To:** SAB@wellfleet-ma.gov  
**Subject:** Fwd: Harborwide cultching permit

This is how you disrupt the delicate balance that has been in place. Trust me, people in town are not going to be OK about this. More cultching, more truck traffic.

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** February 21, 2024 at 6:24:42 AM EST  
**To:** Tom Guerino <Tom.Guerino@wellfleet-ma.gov>  
**Subject:** Harborwide cultching permit

Dear Mr. Guerino:

Nancy cultched outside of the 161 acres of approved areas in violation of her Order of Conditions and the Wetlands Protection Act. It took me months to force her to even share with Coms Comm where she cultched and even then she only told us where since 2020. She told them she “didn’t know” which is a lie (watch 5/5/19 shellfish advisory board “SAB” video). She just doesn’t like anyone telling her what to do. Once we knew WHERE she cultched I asked for any monitoring of the cultched areas in multiple public records requests and she produced NOTHING, not one thing. As you heard me ask, why?!

Before she tells is how all this cultching is going, she now wants a harbor wide permit. Our former coms comm/BOH agent Hillary Greenberg (now in eastham) told cons comm she can’t just file a Notice of Project Change because it’s not a small change. She also explained that she first has to get coms comm approval before she goes to MEPA. If she is successful in allowing to apply via a NPC then there is just a 20 day comment period in the environmental monitor.

Like I said, she should not be allowed to take over the entire shoreline for cultching when she cannot, or refuses to explain how the past five years have gone. She would have to notify every single homeowner who has waterfront property on the

bay. It is a very big deal.

I just wanted you to understand a little more about what she is boldly suggesting.

Thank you,

Jude

Sent from my iPhone

## Rebekah Eldridge

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 5, 2024 5:17 PM  
**To:** Board of Selectmen  
**Subject:** Fwd: All communication between you and the town of wellfleet about that \$25k grant

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

And these emails are “threatening”?! Funny.

Sent from my iPhone

Begin forwarded message:

**From:** Jude <jude@judeahern.com>  
**Date:** April 5, 2024 at 6:12:50 AM EDT  
**To:** bod@wellfleetspat.org  
**Subject:** All communication between you and the town of wellfleet about that \$25k grant

Dear Board:

It is disturbing that nobody replies to my emails in any way.

Please confirm that you were asked by the Town to release any and all communication between WOA and Nancy Civetta or any member of the wsd about the grant she applied to to continue to violate the wetland protection act and dump cultch wherever they want with no regard for any success.

If you don't reply I will assume you don't want to reply.

We need to know how this all came bout exactly because she forgot the first step: asking Cons Comm.

Jude

Sent from my iPhone

## Rebekah Eldridge

---

**From:** Nancy Civetta  
**Sent:** Monday, April 8, 2024 12:19 PM  
**To:** Board of Selectmen; Jennifer Congel; Shannon Ellis; William Sullivan; Brittany Tilton; Heith Martinez; Beth Pyles; Suzanne Thomas; Christine Ezersky; Nancy Vail; Jennifer Elsensohn  
**Cc:** Johnny Clam Mankevetch (bayside.777@hotmail.com); Chris Manulla; Sarah Comstock; Mark Howards (markahowards@gmail.com); Michelle Morrison; Henry Torpey (henry.torpey@barnstablecounty.org); michael.andranovich@capecod.gov; Kat Garofoli; Lilli Green; Cheryl Mulligan; Boeri, Alex (FWE)  
**Subject:** Recreational Shellfishing Crier: Upcoming openings and closings, important reminders and a big welcome to our new Deputy Sarah!

### Town Recreational Shellfishing Crier April 8, 2024

#### 1. Welcoming New Deputy Shellfish Constable

As of the beginning of March, the Shellfish Department has welcomed Sarah Comstock as a Deputy Shellfish Constable. She will be responsible for recreational shellfishing and assisting Shellfish Constable Nancy Civetta with administration and paperwork. Prior to joining the department, Sarah spent a year in AmeriCorps Cape Cod and served with the Wellfleet Shellfish Department. She also worked on a Wellfleet oyster farm for many years. She is excited to meet everyone on the flats!

#### 2. Thank you for always reporting your catches to [shellfish@wellfleet-ma.gov](mailto:shellfish@wellfleet-ma.gov)!

These numbers are essential for our department to keep our finger on the pulse of our beloved wild shellfishing, enabling us to enhance our propagation efforts to keep our tidal flats well stocked and proliferating. Hard data helps us quantify the year-round value of our shellfishery. This informs our propagation efforts, which in turn means better wild picking for everyone!

#### 3. Area Openings and Closures Update

- Chipman's Cove is open and will be closing on April 30.
- Until May 31, recreational shellfishing is open from Indian Neck south to Lieutenant's Island seven days a week.
- Beginning June 1 through September 30, recreational shellfishing may only take place within the Indian Neck recreational shellfishing area, and only on Sundays and Wednesdays.
- Although you may see many bay scallops, the season is closed, and they cannot be taken again until October 1.
- As always, the limit for mixed shellfish harvest is one 10-quart wire basket a week.

#### 4. REMINDERS

- Taking of Seed Prohibited: oysters must measure at least three inches long and quahogs must measure at least one inch across the hinge width. By allowing shellfish to mature to legal sizes, you can reasonably assume that the animal has spawned, thus contributing to future populations of wild shellfish in Wellfleet Harbor.
- Limits: Each recreational permit holder is allowed one 10-quart basket per week, not per day, of any kind of mixed shellfish. Once shellfish is in your basket, it is considered your catch; therefore, you should measure and cull as you go before placing it in your basket.
- Quick Reference Links: [Regulations](#) [Measuring](#) [Open/Closed Areas & Directions](#)

**5. If you haven't yet, please remember to pick up your shellfish permit.**

You must have your current valid permit in your possession on the flats in order to harvest. It will be in an envelope with your name on it, filed in alphabetical order, in a metal box at the Shellfish/Beach Dept. office at the Town Pier.

Contact Nancy at [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov) or 508-349-0325 with ideas on how the Shellfish Department can help or improve shellfishing. Thank you!

Nancy Civetta  
Shellfish Constable

John Mankevetch  
Assistant Shellfish Constable

Chris Manulla  
Sarah Comstock  
Deputy Shellfish Constables

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
O: 508-349-0325  
C: 617-901-7193  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Follow our updates on [Facebook!](#)



# HOME MODIFICATION LOAN PROGRAM

March 2024

From: Susan Gillam, Home Modification Loan Program

Learn more about this Massachusetts state-funded loan program that provides loans to homeowners and small landlords for necessary home adaptations or modifications.

**Do you know someone who might be looking for financial assistance for a more accessible home? Is their bathroom difficult to navigate? Would they benefit from a stair-lift or ramp? Or perhaps they have considered converting or adding living space to be able to live all on one level? The Home Modification Loan Program can help.**

Since 2000, the Home Modification Loan Program (HMLP) has made loans to over 3,000 Massachusetts households to finance home accessibility projects like: accessory dwelling units, home security features, fencing, ramps, wheelchair and stair lifts, widened doorways, hand-rails and walkways, bathroom and kitchen modifications, and more.

Enclosed are brochures to share information on the Home Modification Loan Program (HMLP). Thanks for helping to spread the word and ensuring that your consumers and staff are made aware of this resource.

You can also visit: [www.cedac.org/find-out-if-you-qualify](http://www.cedac.org/find-out-if-you-qualify) and answer a few questions to review eligibility requirements and see if they qualify and request program information. Or visit our homepage directly to download an application: [www.cedac.org/hmlp](http://www.cedac.org/hmlp).

Please do not hesitate to call me directly to learn more, Susan Gillam, [sgillam@cedac.org](mailto:sgillam@cedac.org) or toll free at **866-500-5599**.



## Rebekah Eldridge

---

**From:** Jay Coburn <jay@capecdp.org>  
**Sent:** Tuesday, April 9, 2024 1:45 PM  
**To:** Barbara Carboni; Tom Guerino; Board of Selectmen  
**Cc:** dcolton57@outlook.com; Harry Terkanian; Gary Sorkin (gary.sorkin21@gmail.com); Elaine Mclroy (emcilroy@comcast.net)  
**Subject:** Selection of General Contractor for Residences at Lawrence Hill

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Wellfleet Partners:

I am pleased to let you know that the POAH/CDP Development Team has selected Dellbrook JKS <https://www.dellbrookjks.com/> as the General Contractor for the construction of the Residences at Lawrence Hill.

Over the past six weeks, we put the project out to bid and used an independent third-party advisor to help us evaluate the bids. We also conducted in-depth interviews with each proposer.

Dellbrook came in with the strongest bid. We were very impressed with their schedule and hiring plan. Dellbrook is the third largest contractor in Massachusetts, with an office in Falmouth and experience on a number of large and complex projects on the Cape & Islands. I am also pleased to report the construction costs have leveled out and we are confident that all of the funding will be in place in the coming months for a closing. We still expect to commence construction by fall.

A more detailed timeline for the construction and rent up lottery will be forthcoming this summer. And we look forward to seeing all of you at a groundbreaking event. We will forward an invitation as soon as we are able to set a date.

Please let me know if you have any questions and we are excited to have achieved another important milestone in this project.

Jay

### Jay Coburn

*President & Chief Executive Officer*

Pronouns: he, him, his

**Community Development Partnership**

[Capecdp.org](https://www.apecdp.org) | 508-290-0116 [jay@capecdp.org](mailto:jay@capecdp.org)

**Support Our Community**

Click [here](#) to donate today.

Thank you!



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## Rebekah Eldridge

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**From:** Damian Parkington <dmob75@yahoo.com>  
**Sent:** Friday, April 5, 2024 3:43 PM  
**To:** Shellfish Advisory Board; Board of Selectmen  
**Subject:** Resignation from SAB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi all,

Regretfully I've found myself unable to attend the uptick in recent meetings and even too busy to keep myself abreast of the goings ons and meeting content.

Although my position is as an alternate, I don't feel as my availability will change in the coming months and respectfully resign from the SAB .

Sincerely,

Damian Parkington

Sent from my iPhone

## Rebekah Eldridge

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**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Tuesday, April 9, 2024 2:54 PM  
**To:** Tom Guerino  
**Cc:** Board of Selectmen; William Sullivan; Joseph Aberdale  
**Subject:** Re: dredging 2024 all is far from lost

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is anything happening Tom? Will? Is the paperwork being completed in preparation?

On Thursday, April 4, 2024 at 10:42:27 AM EDT, Diane Brunt <dibrunt@yahoo.com> wrote:

Tom,  
As I have suggested to you weeks ago, in your office, Wellfleet could and I think should dredge in 2024. It would be, in my opinion, a healthy, efficient and cost effective plan (utilize the 2.5 state grant and our dredging funds already allocated) to immediately complete the paperwork to maintenance dredge Area 1 as well the federal anchorage which is no cost to the Town. As I said about a month ago, this paperwork should be completed as soon as possible. It appears from the news paper that the DTF is being left out of this loop. I don't know if this is true and if so why this is the case.

I respectfully request that you consider prioritizing the asking of Will Sullivan and anyone else who has a role to play in submitting this paperwork in a timely fashion. Dredging both areas is important for the health of our harbor, our Town, and at this point the spirit of our community. I think you would find most if not all in town receptive to this plan (with the possible exception of those who have an agenda/ reasons to want an 'adaptive mitigation plan'. That interest group will benefit by another 'tragic year of not dredging' and prices changing to encourage the voters to back this plan.) Everyone else will be grateful to get important dredging accomplished which will help with mud moving out of the cove albeit at a slower, and in my opinion, healthier pace. Both areas being maintenance dredged, as is time, this fall is a win win.

I humbly ask you not to delay in this matter. Even as a new TA in Wellfleet I am sure you are aware of the importance of this issue to this town.

Thank you

## Rebekah Eldridge

---

**From:** Tom Guerino  
**Sent:** Wednesday, April 10, 2024 10:03 AM  
**To:** Rebekah Eldridge  
**Subject:** FW: Ryder Court annual road maintenance request

correspondence

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**From:** Jay Norton <Jay.Norton@wellfleet-ma.gov>  
**Sent:** Tuesday, April 9, 2024 8:14 PM  
**To:** Tom Guerino <Tom.Guerino@wellfleet-ma.gov>  
**Subject:** Fwd: Ryder Court annual road maintenance request

FYI - When I first started for the Town in 2019 this resident voiced his opinion on Facebook commenting how the DPW was horribly run. I'd say we turned it around 👍

JRN

Get [Outlook for iOS](#)

---

**From:** ROBERT COCIVERA <[captbob415@verizon.net](mailto:captbob415@verizon.net)>  
**Sent:** Tuesday, April 9, 2024 6:22:22 PM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Subject:** Re: Ryder Court annual road maintenance request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jay,  
Thanks for the prompt work on Ryder Court. It looks great, many thanks to you and your hard working crew.  
Your department is by far the best run in the whole town.  
Bob Cocivera

On Apr 5, 2024, at 3:59 PM, ROBERT COCIVERA <[captbob415@verizon.net](mailto:captbob415@verizon.net)> wrote:

Thanks for your prompt response.  
Had a great winter in Mexico 😊  
Bob

On Apr 5, 2024, at 3:52 PM, Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)> wrote:

Hi Bob

Hope you had a great winter. We will get it on the list. Thanks and have a good weekend.

JRN

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**From:** ROBERT COCIVERA <[captbob415@verizon.net](mailto:captbob415@verizon.net)>  
**Sent:** Friday, April 5, 2024 3:51:25 PM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Subject:** Ryder Court annual road maintenance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>>> Hi Jay,  
>>> I am writing get put on your schedule to have the crew fill in the potholes & smooth out the roadway on Ryder Court.  
>> It is not as bad as previous years, thanks to the mild winter.  
>>> Thank you for your attention to this matter.  
>>>  
>>> Robert Cocivera  
>>> 35 Ryder Court  
>>> Wellfleet MA

## Rebekah Eldridge

---

**From:** Nancy Civetta  
**Sent:** Wednesday, April 10, 2024 6:00 PM  
**To:** Board of Selectmen; Jennifer Congel; William Sullivan; Brittany Tilton; Shannon Ellis; Jay Norton; Peter Morris; Beth Pyles; Heith Martinez; Christine Ezersky; Jennifer Elsensohn  
**Cc:** Johnny Clam Mankevetch (bayside.777@hotmail.com); Chris Manulla; Sarah Comstock; Mark Howards (markahowards@gmail.com); Michelle Morrison; Henry Torpey (henry.torpey@barnstablecounty.org); michael.andranovich@capecod.gov; Kat Garofoli; Lilli Green; Joshua Reitsma; Melissa Lowe (mlowe@massaudubon.org); Ian Ives (iives@massaudubon.org)  
**Subject:** Shellfish Crier: Important discussion regarding GWV at SAB, update on Lt. Isle access, welcome new Deputy Sarah and grant holder reminders

### Town Shellfish Crier April 10, 2024

#### 1. Shellfish Advisory Board (SAB) Discussion on Gross Vehicle Weight (GVW)

At the last SAB meeting, two of its members raised an issue that between 60 and 75 percent of shellfishing trucks were over 9200 GVW, which is the maximum weight allowed per our regulations. They decided to put it on their next agenda for discussion and to possibly change the regulations. That discussion will take place this Friday, April 12 at 6 p.m. at the Adult Community Center and Zoom (see details below). To prepare for that, the Shellfish Department reviewed the vehicle information provided by shellfishermen with their commercial permit applications. Following is some more information.

- To see the regulation pertaining to GVW on the flats, please review section 6.5.3. Speed Limit on Beaches and Intertidal Areas on page 20 in the Town of Wellfleet Shellfishing Policy and Regulations.
- To listen to the SAB discussion on April 27, click here. Discussion takes place from 3:05:50 to 3:18.
- While shellfishermen who buy permits must provide information about the vehicles they use on the flats, data collection is not a perfect science. For example, we found erroneous and incomplete data was sometimes provided.
- Upon review of the database of vehicles and subsequent research to determine each GVW, it was determined that it is not always possible to discern a vehicle's true GVW because online data provides a range of weight for some vehicles.

**We encourage you to attend the meeting as we would like to hear broad industry feedback on this issue. We value your opinions.**

#### 2. Lieutenant Island South Audubon Access

The Shellfish Department has been working closely with Mass Audubon to monitor the use of and impact to the Audubon access road before the Lt. Island bridge on the left. Given the winter's toll, Audubon has decided to put back the rope across the road with a combination lock on the right post. Any commercial shellfisherman interested in harvesting there should contact the Shellfish Department for the combination. We will let Audubon know the names and vehicles of those who have the combination. Audubon is requesting that you lock the entrance both when entering and leaving please. While the lock will now remain on year-round, we appreciate that they are ensuring our shellfishing access.

#### 3. Welcoming New Deputy Shellfish Constable

As of the beginning of March, the Shellfish Department has welcomed Sarah Comstock as a Deputy Shellfish Constable. She will be responsible for recreational shellfishing and assisting Shellfish Constable Nancy Civetta with administration and paperwork. Prior to joining the department, Sarah served in AmeriCorps Cape Cod and spent time serving with the Wellfleet Shellfish Department. She has also enjoyed working on a Wellfleet oyster farm for many years and is excited to meet everyone on the flats!

#### 4. Grant Holder Reminders

- April 1 is when grant buoys are required to be out and marked. Numbers should be black and at least two inches high. You may share buoys as long as all bordering grant numbers are on the buoys.
- We have recovered many oyster bags without tags. Please tag all gear before the upcoming grant inspections take place. If your info has become illegible on the tags, please replace them with legible ones.
- We understand that gear and product are investments. Following tag regulations is the only way that we can ensure that your lost oysters are returned to you.
- Please survey your areas for any wayward gear.
- Please ensure you have paid your 2024 grant fees and submitted, or provided missing information for, your 2023 grant reports. We hope to resolve all outstanding paperwork by April 30. Thank you for your diligence!

#### 5. Shellfish Advisory Board Hybrid Meeting This Friday, April 12 at 6 p.m. via Zoom and in person at the Wellfleet Adult Community Center

Agenda:

Announcements and Public Comment

Review Minutes

Herring River Project/Duck Harbor overwash

Cultching, Quahog Relay, and Propagation

Review Regulation 6.5.3 "Speed Limit on Beaches and Intertidal Areas" (re: Gross Vehicle Weight)

Ice Machine Update

Beach Cleanup Event

Future Topics

**Join Zoom Meeting:**

<https://zoom.us/j/94214261094?pwd=NW5FbVFCUTZZVzZaUldydjNMZ1lYZz09>

Meeting ID: 942 1426 1094 ~ Passcode: 136251 ~ Phone: +1 929 205 6099

Contact Nancy at [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov) or 617-901-7193 with ideas on how the Shellfish Department can help or improve shellfishing. Thank you!

Nancy Civetta  
Shellfish Constable  
617-901-7193

John Mankevetch  
Assistant Shellfish Constable  
508-962-0691

Chris Manulla & Sarah Comstock  
Deputy Shellfish Constables  
Chris: 508-962-8934

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
O: 508-349-0325  
C: 617-901-7193  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.

## Rebekah Eldridge

---

**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Wednesday, April 10, 2024 4:57 PM  
**To:** Tom Guerino; Barbara Carboni; John Wolf; Michael DeVasto; Ryan Curley; Timothy Sayre  
**Cc:** Karen Plantier; Rich Bienvenue; Frank Destino; Jared Aponte; Jennifer Congel; Rebekah Eldridge  
**Subject:** Re: You are Officially Notified

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All addressed or copied on the email from 4/5/24 should be aware that to date **no one** has responded to this email .

On Friday, April 5, 2024 at 10:09:08 AM EDT, Diane Brunt <dibrunt@yahoo.com> wrote:

A public records request for the Shellfish funds and accounts was filed 1/19/24. The difficulty finding this record, the multiple honest attempts, as well as other responses to this request have been confusing. I filed a second one 4/3/24 in an effort to get clarity. To date it is unclear what is going on with the multiple shellfish department funds. What is becoming clear is that the names used for the fund for "propagation", the 'Shellfish Revolving fund for propagation', which it is sometimes called and which is supposed to capture 75% of the shellfish revenue, is at least at some points over the last 5-6 years, including right now, confused with the Shellfish revolving fund. It is also becoming clear that the Warden knows this and that she may have known this for quite some time. On 3/19/24 at the BOS meeting it was clear that Rich Bienvenue had not been informed of this. (I don't know if he now knows of all the shellfish funds and that there is close to 300 K in these funds. and that the titles are confused. )

I said all of this at the 4/4/24 BOS meeting at the 1:21 mark immediately before you voted to increase and approve the spending limit on the "Shellfish Fund for Propagation". I wonder if you are clear which fund that is.

The Board, the former and the interim TAs all have been informed repeatedly, and share a responsibility to investigate this. This has not happened despite many public and private requests that you do so.

Please let there be no question that now you are aware of this information.



## Rebekah Eldridge

---

**From:** Diane Brunt <dibrunt@yahoo.com>  
**Sent:** Wednesday, April 10, 2024 5:19 PM  
**To:** Tom Guerino; Shellfish Advisory Board; FINCOM; Board of Selectmen  
**Cc:** Jay Norton; Rich Bienvenue; Suzanne Thomas; richard.pauley@wellfleet-ma.gov; Karen Plantier; William Sullivan  
**Subject:** Re: WSD CIP truck request  
**Attachments:** Efforts to find alternative trucks to new-email.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To date no response and no action regarding this email. In response to a different email Tom has said he "will give this some thought".

Tax bills have been received. The rate at which our taxes are increasing over the past 6 years is alarming.

This budget , operating and Capital is in my opinion, far too fat.

The BOS and the Administration, some Department Heads, have allowed, contributed to, covered up and been complicit in the waste, abuse and fraud of wellfleet taxpayer dollars.

This simple solution to wasting brand new trucks by buying them for the WSD has been ignored. The potential for better vehicles to go to the Beach/COA, marina , Fire Departments rather than go into salt water brand new in obvious. That this is not happening THIS year is an abuse of the taxpayers.

I should not have had to go to the administration or Board with this solution, but I did and you have chosen to ignore it.

Please rectify this mistake.

On Tuesday, April 2, 2024 at 08:40:40 PM EDT, Diane Brunt <dibrunt@yahoo.com> wrote:

I recognize the truck size regulation mentioned by the Warden. I have some suggestions that would not violate that regulation.

The way the fleets seem to be classified is by color:  
green= good shape, yellow = not perfect, and red= must be replace, (orange not running)

I can't find a key anywhere , but the above seems to be the case.

I think it would be good for WSD , other departments and the town if the WSD replaced all of their vehicles , especially the 2 new ones (2 - 2023 F150s), with older vehicles from other departments. This way the salt destruction that seems to happen in roughly 4/5 years would not be happening to a brand new truck. This is obviously less wasteful, but also important in terms of responding if there are any calls for help as there would be no hesitancy to drive a "new truck" in water.

There are a number of viable options currently in the "green" that meet the weight regulation and are a little or significantly older. Perhaps the WSD could exchange their vehicles, some or all, but especially the newest one with these departments as the other departments will get many more years out of them. Especially if they are deep cleaned and fluid filmed upon the exchange. Many of the vehicles get better gas mileage than a pick up and would be better for the many miles driven that do not involve driving on the beach . Also the ATV which is never used by the current department

(occasionally borrowed by the harbor master ) could be sold as is . It was rarely used by Andy Koch either. If that were to be used it might replace the need for the 3rd vehicle altogether , but this does not seem to be the mode of choice.

There are a few ways to work it, but one would be for WSD to keep the 2020 until is is worthless and /or it is in the "yellow " or trade it in now and take one of the vehicles listed below- giving the other Department the trade in money and whatever portion of the now allocated 40 K (raised from 32 K after both SAB and Fin Com met and voted on the WSD budgets) to replace their vehicle with a new one. Then the newer trucks (two F 150 2023 trucks) could be swapped with other departments while they are still in the green and new and before they rust out. The third vehicle if purchased at all could be purchased for one of the other Departments .

Right now the wellfleet fleet of viable weight legal vehicles in the "green" includes:

**FIRE:**

\*\*Tahoe - 2013\*\*

Explorer 2019

**BEACH -**

chevy silverado 1500. (2018)

**MARINA**

F150 - (2017)

Understandably, every other department is getting many more years out of their vehicles. It makes common and fiscal sense for the WSD to drive only hand me down vehicles as a matter of regular practice . This would not require a vehicle that is being retired, but rather a fully functioning older vehicle "in the green". To be clear I am not suggesting giving the WSD any vehicles that are in compromised condition.

It may be too late for this year , but I am hoping all Boards and Committees would put all of the budgets for WSD back on their agenda as well as perhaps the other potential swapping departments mentioned in this email. Since the Capital plan and revolving Fund has been updated since the votes at SAB and Fin Com this may already be planned . The COA currently has a non working Rav 4 (2011) which they do not have budgeted for replacement, but is needed. Perhaps monies from the Shellfish Department revolving fund could be transfered to the COA to purchase a new vehicle. I don't pretend to know how all of this works, but I do see the waste of driving good new vehicles driving on the tide while other Departments use older vehicles . The Fire department having a new Tahoe and the shellfish department driving the 2013 Tahoe, the Beach Department and the Marina driving the two 2023 Ford F150s for another 10 + years while swapping their 2018 and 2017 to the WSD all makes a lot of sense to me. I may be missing some important information. If so I apologize for wasting your time.

PS.

IF the regulation is changed at some point some other possibilities include :

Fire:

F250 (2015)

Chevy 3500HD (2007)

DPW

F350 (2014)

Marina

F250(2017)

These heavier trucks are what is more suited to pulling I trucks off the tide when they are stuck , so should this become possible a 3/4 ton truck in the WSD fleet is not a bad idea. Right now most of us call other fishermen with bigger trucks for help when we need it.

----- Forwarded Message -----

**From:** Nancy Civetta <nancy.civetta@wellfleet-ma.gov>  
**To:** Shellfish Advisory Board <sab@wellfleet-ma.gov>  
**Sent:** Tuesday, March 26, 2024 at 06:39:16 PM EDT  
**Subject:** Fwd: RE: WSD CIP truck request

I wanted you all to be aware of this, too. See below and attached.

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
300 Main St.  
Wellfleet, MA 02667  
O: 508-349-0325  
C: 617-901-7193  
E: nancy.civetta@wellfleet-ma.gov

---

**From:** Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>  
**Sent:** Monday, March 25, 2024 6:21:00 PM  
**To:** Board of Selectmen <BoS@wellfleet-ma.gov>; FINCOM <granlund@wellfleet-ma.gov>; Karen Plantier <Karen.Plantier@wellfleet-ma.gov>  
**Cc:** Jay Norton <Jay.Norton@wellfleet-ma.gov>; Rich Bienvenue <rbienvenue@eastham-ma.gov>  
**Subject:** RE: WSD CIP truck request

Dear Selectboard and Finance Committee members,

I have been watching your meetings regarding the Shellfish Department's capital plan for a new truck in FY25 as part of the ongoing fleet replacement program we worked on with Jay Norton and Rich Bienvenue. Our program has us replacing trucks every five years due to their hard use in a saltwater environment.

I listened to citizens suggesting that we get "hand-me-down" trucks from other departments, and I wanted you to know that Jay and Pete Morris and I have been working on exactly that for the past two years. Unfortunately, there have been no town trucks coming up for replacement that we could have used. Our regulations state that gross vehicle weight must be 9200 lbs. or less, so we have to take this into consideration, which has been a factor to

date. However, the DPW is actively monitoring potential town trucks for us to receive as hand-me-downs in the future.

In addition, in 2022, when it was impossible to find even a new truck, the DPW helped us reach out to the Bay State Roads (including Mass DOT) and MAPC lists in search of a used truck, and we also monitored Municibid and called other towns to see if they had any vehicles rotating out that we might have been able to purchase. Nothing panned out, but I thought it important that you know that we have indeed been looking at ways to save the town money given the environment we work in. (See attached email.)

Thank you,  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
O: 508-349-0325  
C: 617-901-7193  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Follow our updates on [Facebook!](#)

## Nancy Civetta

---

**From:** Nancy Civetta  
**Sent:** Tuesday, November 22, 2022 9:31 AM  
**To:** Jay Norton  
**Subject:** RE: email for Bay State Roads and MAPC

You rock, Jay! Thanks so much!

Chris is monitoring Municibid, and Johnny is calling other towns in the off chance one of them has a truck they are thinking of trading in or selling. I'll keep you posted on our efforts, too.

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
C: 617-901-7193  
O: 508-349-0325  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Check for news and updates on [Facebook](#).

---

**From:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Sent:** Tuesday, November 22, 2022 8:21 AM  
**To:** Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>  
**Subject:** Re: email for Bay State Roads and MAPC

Hi Nancy! I'll take it from here 🙌 and copy you on the correspondence.

JRN

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**From:** Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>  
**Sent:** Friday, November 18, 2022 3:17:49 PM  
**To:** Jay Norton <[Jay.Norton@wellfleet-ma.gov](mailto:Jay.Norton@wellfleet-ma.gov)>  
**Subject:** email for Bay State Roads and MAPC

Hi Jay,

At the Department Heads meeting this week, it was suggested that I put together an email looking for a truck that we could send to the Bay State Roads and MAPC list. Could you look this over and let me know if you think it will work?

**The Town of Wellfleet Shellfish Department is looking for a four-wheel drive truck. It cannot have dual wheels and must not exceed a GVW of 9,200.**

**We have \$12,000 to spend.**

**Eight-foot bed and vinyl interior preferred; no crew cab preferred, but we need a truck, so can compromise on these things.**

**Please contact Deputy Shellfish Constable Chris Manulla at [chris.manulla@wellfleet-ma.gov](mailto:chris.manulla@wellfleet-ma.gov) or 508-349-0325.**

I also spoke with a colleague in Dennis who says they get trucks from MASS DOT. Might you have a contact there for us, or would they be on the Bay State Roads list? And how do I get the two lists, or do you prefer to send it out on our behalf?

Thanks for all your help!  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
O: 508-349-0325  
C: 617-901-7193  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Follow our updates on [Facebook!](#)

To: Selectboard

CC: Tom Guerino, TA

From: Suzanne Grout Thomas, Director of Community Services

Date: April 11, 2024

Re: Arbor Day



I am pleased to report that the new owner of Shannon Tree Service, Topher Mira, will be donating his time and talents to the Adult Community Center landscaping. The work decided on has a retail value of \$1650 and will take place on and is in honor of Arbor Day on April 26<sup>th</sup>. (weather permitting)

This is a very generous donation to the ACC and I wanted to share it with the Selectboard as a positive note in our Town.

I am sure that Topher and Shannon Tree Service would appreciate recognition from the Selectboard of their generosity.

# SHANNON TREE SERVICE

Caring For Cape Cod's Trees

508-237-7701 | j.shannon15@comcast.net

15 Way 38 | Wellfleet, MA 02667



# ESTIMATE

Invoice

Date: 4-10-24

Name Wellfleet Community Senior Center

Address 715 Old Kings Highway

City Wellfleet State Ma Zip 02667

Phone Topher Mira Email \_\_\_\_\_  
914 B - 695 - 8636

- Structural Prune Young Maple tree by front door
- Shape Leekwood Cypress trees to have one top by back door
- Prune white oak off shed - backside of building
- Cut trees back from path to garden and around meditation bench
- Clean up deadwood (fallen) near bench
- Thin young oaks by road (3)
- Cut back small oak branches near wood chip parking - Garden far entrance
- Remove broken oak near garden
- Remove Codominant Cherry Stem - garden near Leekwoods

Estimated Job Cost: 1650.-

Estimated By: Free For Arbor DAY





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

VII

## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

VIII

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### TOWN ADMINISTRATOR REPORTS

- **The town administrator will give a verbal report at this meeting.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

IX

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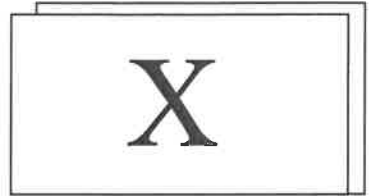
### TOPICS FOR FUTURE DISCUSSION

- **The board will bring up topics that they wish to be on future agendas.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024



### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Meeting Minutes for March 19, 2024; March 21, 2024; April 2, 2024; and April 9, 2024.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of March 19, 2024; March 21, 2024; April 2, 2024; and April 9, 2024, as printed.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Member Wellfleet Selectboard**  
**Tuesday March 19, 2024; 6pm**  
**Hybrid Meeting: Zoom/715 Old King's Highway**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (virtual); Ryan Curley, Tim Sayre

**Others Present:** Tom Guerino, Interim Town Administrator; Jared Collins, KP Law; Sam Myers; KP Law, Michael Parlante; Farrukh Najmi, Jude Ahern, Wes Stenson, Environmental Partners; Diane Brunt; Kevin LaRocco, Police Chief; Brad Morse, Judith Styles, business owner; Bruce Bierhans, Alex Hay, Sebastian, Jay Norton, DPW Director; Rich Bienvenue, Finance Director for the town of Eastham; Rich Pauley, Fire Chief; Joe Cappello, Deputy Chief; Suzanne Grout Thomas, Community Service Director.

Chair Carboni called the meeting to order at 6:03pm

Chair Carboni stated to use town counsel's time efficiently they would be doing the open meeting law complaints first and then move to public comments.

---

**I. Open Meeting Law Complaints**

**A. Open Meeting Law Complaints**

- Discuss and Vote to have town counsel send a response, open meeting law filed by Jude Ahern, March 4, 2024

Chair Carboni asked Collins to speak to this complaint. Collins spoke to the board and public and he explained the content of the complaint, and the response that town counsel was going to address with the response. Collins stated that although there were discussions about the appointment made by the administrator, he believed this was covered under topics for future concern, as the town administrator at the time wanted to get this hire before he left the position. Chair Carboni thanked Collins and stated she was in full support of this response. She polled the board and there were no issues from any of the members.

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to direct town counsel to send the response letter as presented for the complaint filed to the attorney general's office on behalf of the Selectboard.**

**Roll Call Vote: 5-0**

- Discuss and vote to have town counsel send a response. Open meeting law files by Michael Shannon – March 11, 2024

Chair Carboni asked Collins to speak to this complaint. Collins explained this complaint to the board and public and then gave the response that counsel had written to send. Collins explained the delay in the executive session meeting being released to the public.

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to direct town counsel to send the response letter as presented for the complaint filed on March 11, 2024, by Michael Shannon to the attorney general's office on behalf of the Wellfleet Selectboard.**

**Roll Call Vote: 5-0**

## II. *Announcements and Public Comments*

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked the board if any members had a comment or announcement, Sayre stated that he attended a Shellfish Advisory Board meeting where it was stated that there is concern with Duck Creek flowing into the Herring River, the board would like to have a representative of the Herring River project to explain what's happening with the overflow and damage to the oyster beds.

Chair Carboni stated that Thursday's meeting of the board will be held at the town hall in the basement conference room.

Parlante came to the microphone explaining his concern with Duck Creek and Herring River expressing concern for the herring being able to get up the river.

Farrukh Najmi spoke to the board about his article in the town meeting warrant and explained why he felt it was important and personal to him and urged the selectboard to recommend this article at the town meeting.

Ahern spoke to the board regarding her open meeting law complaint. She spoke about the budget and warrant discussion. She stated concerns for the operating budget.

Stenson spoke to the board updating the board and public on the temporary bridge being opened tomorrow and cautioned the public to be safe. He also spoke about the pedestrian and bike access which is on the side of the temporary bridge.

Brunt spoke to the board about the discussion held at the meeting where the complaint was filed.

Chief LaRocco spoke to the board updating them about the work zones on route 6 and the unsafe working conditions as people are driving at high rates of speed. He stated that Mass DOT has significant concern about the speed limit, and he explained that Mass DOT will reduce the speed limit to 35MPH.

Morse spoke to the board about the issues around town and his main issue is the public being silenced.

Styles spoke to the board supporting Parlante's point about Herring.

## III. *Consent Agenda*

A. Use of Town Property ~ WOA ~ Banners on Main Street for Oysterfest and then change over to holiday banners for the holiday Season, beginning May 17, 2024.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the consent agenda as presented.**

**Roll Call Vote: 4-0-1 (DeVasto abstained)**

***Consent Agenda A ~ Chair Carboni is recused from this item.***

B. Extension of allowable work hours ~ Jay Norton, DPW; Wes Stinson; Environmental Partners

Wolf took over as chair, he asked Stenson and Norton to come up to explain the item. Stenson shared his screen. He explained that they are hoping to extend the

works hours from sunup to sundown due to the herring running, He pointed to the map where they will be mainly working right away. There were some questions for Stenson from the board regarding the details of hours.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the request for extended work hours from sunup to sundown excluding recognized holidays through June 30, 2024.**

**Roll Call Vote: 4-0-1 (Carboni recused).**

**IV. *Police Department Appointments & Business ~ Chief LaRocco***

**A. Appointment of Full time Police Officer Rachel Bunce**

Chief LaRocco came to the table to discuss with the board his new police officer appointments. He introduced Bunce to the board and gave her credentials. Chair Carboni asked the board if there were any questions. They all were very impressed with her credentials and thanked her for her willingness to serve.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the appointment of Rachel Bunce as a full-time police officer for the town of Wellfleet with the condition she complete field officer training.**

**Roll call Vote: 5-0**

**B. Appointment of Full time Police Officer Brianna M. Johnson**

The Chief introduced Brianna Johnson who he stated was in Arizona, he explained that she did a ride along in July with the police department. He explained that she is planning to move to Wellfleet and would like to become an officer. He gave the board her list of credentials. He stated she has passed many of her exams and is looking for the board to appoint her pending completion if the academy.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the appointment of Brianna Johnson as a full-time police officer for the town of Wellfleet with a conditional offer pending the completion of the following:**

- **Passes a full background check.**
- **Passes a physical agility test.**
- **Passes a Massachusetts license to carry a firearm.**
- **Passes the police academy.**

**Roll Call Vote: 5-0**

Chief LaRocco gave an update regarding staffing and the upcoming promotions for the department that will come before the board.

**C. Cahoon Hollow Beach Discussion ~ Kevin LaRocco ~ Police Chief**

Chief gave an update on Cahoon Hollow Beach explain the work that the department has been doing with the National Park Service. He gave details about the ban of open containers of alcohol, he stated he believed it was a successful summer. He stated the weather also had some effect on this because it wasn't as good as in previous summers.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to continue the control the town put into place for Cahoon Hollow Beach for the summer of 2024 with the recommendations as provided by the Police Chief.**

**Roll Call Vote: 5-0**

V. **Public Hearings**

- A. Transfer of all Alcohol license from The Wicked Oyster License to Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara. **Chair Carboni opened the public hearing.**

Chair Carboni read the public hearing announcement and asked the three applicants to come forward. Bierhans explained the application to the board and public and welcomed any questions. The board discussed Curley stated the only thing that was advertised what the transfer of license not the change of class. He explained that would need to be another public hearing to make sure the change of class was advertised.

**Board member Curley moved; Board Member Seconded, and it was voted to approve the application received on February 26, 2024; from Alexander Hay, Garret William Smyth, and Sebastian Taffara for the transfer for all alcohol license from TEK Restaurant Group, Inc. DBA: The Wicked Oyster; Kenneth W. Kozack, Treasurer/Manager & Eliza S. Fitts President/Manager., to Alexander Hay, Garrett Smythe, and Sebastian Taffara.**

**Roll Call Vote: 5-0**

- B. Changing a Yield sign to a stop sign at Pole Dike Road and Coles Neck Road, ~ **Chair Carboni opened the Public Hearing** ~ Kevin LaRocco, Police Chief – **This was moved before the alcohol license.**

Chief LaRocco spoke to this agenda item stating he received a letter from a resident with concerns that the cars are not yielding and causing safety concerns. The board discussed this change. There were no issues from the board.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to amend Wellfleet's traffic rules and regulations Appendix A; to add a stop sign at the end of the section of road at Pole Dike Road and Coles Neck Road.**

**Roll Call Vote: 5-0**

**Board Member Wolf moved; Chair Carboni Seconded; and it was voted to close this public hearing.**

**Roll Call Vote: 5-0**

- C. Beach Office Changes ~ Suzanne Grout-Thomas, Beach Director

Chair Carboni asked Thomas to come to the table to present her changes to the board. Thoms reported to the board and public the changes needed to be made to the beach sticker disbursement, as far as the date goes. She explained the hearing was asked for because in the current regulations it states the beach stickers are issues the third Saturday in June and she would like the fourth meeting in June just for this year as there are five Saturdays this year in June. The board discussed this; Curley stated he didn't want to change the regulations Thomas explained that there isn't staff to man the department until the fourth Saturday. There were some questions about the transfer station stickers being able to be purchased. The board discussed this, going back and forth about keeping the regulations as is or changing for just this year.



**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to approve that beach stickers be required for the season on the fourth Saturday in June rather than the third Saturday in June which is specified in the beach rules and regulations for the season of 2024.**

**Roll call Vote: 3-2 (Curley voted no, Sayre voted no).**

**It was voted to close the public hearing.**

**VI. *Business***

**A. Discussion on meeting times moving forward.**

Chair Carboni asked Guerino to talk about this item. Guerino spoke to the board stating that staff would like to keep the meetings at 6pm but understands the board wanting it to move to 7pm. DeVasto spoke to the time and asked if the board would be willing to move the time from 7pm beginning Memorial Day to Labor Day. Curley stated he would be willing to keep the time at 6pm until there is a better hosing situation for the town administrator. Wolf spoke to the board and stated he was fine with keeping the time 6pm until June 1. They agreed they would leave the time at 6pm, and vote on a different time at a later date.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to that the Wellfleet selectboard will set its meeting times between June 2<sup>nd</sup> and September 30<sup>th</sup> to be 7pm.**

**Roll Call Vote: 5-0**

**VII. *Capital Budgets***

**A. The board will review and vote on the department's capital budgets.**

Bienvenue came to the table to present the departments capital budgets. He spoke about the free cash certification and gave an update on the numbers that are inserted in the report. He explained some changes that were made and why they were made. He spoke about financial goals moving forward.

The Fire Departments Capital Budget was discussed. The board discussed debt and what percentage it should be at. The board continued to discuss the capital budgets with Bienvenue and specific department heads.

The board went through the capital budgets as listed in the warrant. Chief LaRocco went first to go over his budget and explained it to the board. Chief Pauley was next to present his capital budget, he and Deputy Chief Cappello discussed their capital budgets. The board discussed this budget with some questions for the chief and deputy chief. Norton spoke on behalf of the chief regarding the new HVAC system that is being asked for. They discussed the HVAC system at great length. They moved on to the ambulance request.

Norton came to the microphone, to discuss his budget and what it entailed and how it was calculated.

Thomas came to the table next to present her budget and answer any questions from the board. She spoke about the council on again walking path which she stated is the most significant ask in her capital budget. The board had some questions regarding the walkway. The board thanked the department heads that came forward to discuss their budgets.

**VIII. *Town Administrator's Report***

- Guerino reported that he has been made aware of the Bound Brook issues and he stated there is a meeting tomorrow morning to troubleshoot the issues and try to figure out a sensible solution.
- The Herring River Restoration Project he stated was discussed at great length earlier in the meeting.
- He spoke about a meeting with various Department heads and that there will be a meeting with administrative support staff and a department head meeting.
- He spoke about the ongoing work regarding the ice machine.
- He spoke to the board about the trees at the Piping Plover, stating he has had a meeting with the commonwealth of Massachusetts, and they have agreed to leave the trees where they are, not doing any damage.
- He is reviewing the current non-union department head contracts; he spoke about some flaws that he has come across and would like to come back to the board with amendments.

**IX. *Selectboard Reports***

- The ice machine was asked to be on the agenda for reoccurring updates.
- Wolf spoke about looking into the purchase and installation of the ice machine. He explained who he had reached out to.

**X. *Topics for Future Discussion***

- Curley stated that the agendas for the next month or so and doesn't feel the board should add more items until the warrant and budgets are all done.
- DeVasto stated the board needs to figure out the jurisdiction of backhoes to remove sediment from the Herring River.

**XI. *Minutes***

**A. March 12, 2024**

**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to approve the meeting minutes of March 12, 2024, as printed.**

**Roll Call Vote: 5-0**

**XII. *Adjournment***

**Board Member moved; Board Member Seconded; and it was voted to adjourn.**

**Roll Call Vote: 5-0**

**Meeting adjourned 9:45pm**

**\*\*\*Public Documents\*\*\***

*Open Meeting Law Complaint forms ~ Judith Ahern*

*Open Meeting Law Complaint forms ~ Michael Shannon*

*Documents for the appointment of Rachel Bunce to the Police Department*

*Documents for the appointment of Brianna Johnson to the Police Department*

*Documents regarding Cahoon Hollow Beach*

*Capital Budgets of the town of Wellfleet*

*Meeting Minutes of March 12, 2024*

**Wellfleet Selectboard**  
**Thursday March 21, 2024; 6pm**  
**Hybrid Meeting ~ Zoom/300 Main Street ~ Town Hall**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Ryan Curley, Michael DeVasto (Virtually); Tim Sayre

**Others Present:** Tom Guerino, Interim Town Administrator; Jude Ahern, Diane Brunt, Will Sullivan, Harbormaster; Brittany Tilton, Assistant Harbormaster; Kathleen Bacon

Chair Carboni Called the meeting to order at 6:02pm

**I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked if there were any announcements of the board, Sayre announced that he and Wolf went to a Shellfish Advisory Board meeting earlier in the day and stated they discussed the ice machine and the need for the project to get moving.

Brunt spoke about the fact that the selectboard and the fincom were having meetings at the same time regarding the budgets, expressing her concern that it was happening at the same time. Chair Carboni spoke about the scheduling of meetings and that the boards job was to review and vote the budgets.

**II. *Capital Budgets***

A. The Board will review and may vote to approve departmental capital budgets. Guerino handed out the updated capital budgets to the board. Chair Carboni screen shared the capital budget. He suggested that the department heads that were at the meeting should present to the board and then they could move forward with the long-term capital plan. Curley explained he wanted the capital improvement plan.

The board began with the Harbormasters capital budget, he stated that his capital plan was not huge and easy to understand. He explained the budget and the board had some questions. Chair Carboni welcomed questions from the public regarding Sullivan's budget, there were none. The board will vote on all the capital budgets at a later meeting, so that the board has more time to review and understand the budgets.

There were no more capital budgets to review at tonight's meeting.

**III. *Operating Budgets***

A. The board will review and may approve department operating budgets. There was nothing new on the operating budgets.

**IV. *Town Meeting Warrant***

A. The board will view and take possible votes to insert and recommend warrant articles.

Curley asked if there were any additional articles on the warrant. Guerino stated that there are two articles that have been added. Guerino spoke about the petitioned articles.

Article 1 was skipped because it was the operating budget, and it is still being finalized.

Article 2 is prior year invoices and Curley asked why KP Law had such a large overdo invoice.

Article 3 was budgetary transfers and Guerino spoke to that stating that he asked the town accountant to work on this, and questioned why it was on the warrant and not just an end of the year transfer, The board discussed and agreed that this could be the end of the year transfer. Ahern came to the table asking questions about the transfers. Guerino explained how money transfers work in a municipality.

Ahern questioned the operating budgets of the Conservation and Health Department.

The board moved on to Article 4, 5 and 6 which were operating, marina, and water enterprise budgets which they skipped.

Article 7 was the ambulance article, the amount needed to be increased the board wasn't sure what the exact amount was and asked the fire chief to let them know. The Chief stated it was \$550,000.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to insert and recommend an article authorizing the lease of an ambulance as drafted with the amendment of the total be \$550,000.**

**Roll call Vote: 5-0**

The board moved to Article 8 which was the stabilization accounts. Guerino stated the numbers aren't final yet but should be within the next week or so. Curley stated that some of the money should go to affordable housing, and the target amount for the stabilization fund. Guerino stated the goal is to stabilize the finances of the town and he feels they are on the right direction but need to get a few more things done. He gave his opinion on the housing amount. Sayre had some questions regarding the target amount, Guerino spoke about what the DOR has recommended. DeVasto spoke about housing and moving the money to the affordable housing trust and would like a chance for Harry Terkanian to come to the meeting to discuss. Guerino spoke about the DOR report and what they recommended regarding the percentage to the operating budget. They discussed the opioid fund and what would be transferred into it.

The board moved on to Article 10 Senior work off abatement program. There was little discussion.

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend a senior work off abatement program into the annual town meeting warrant.**

**Roll Call Vote: 5-0**

Sayre pointed out the number in this article needs to be \$76,000. There were questions regarding an extra ice machine and could that fund be used for the ice machine. Guerino stated it needed to be brought to town counsel and he is expecting a response from them by the end of the week. Ahern came to the table

asking about the increase in spending, and how it was being spent. The board agreed they would wait to vote on this article.

They moved on to the community preservation committee articles,

Article 13 was the beginning of the CPC articles.

**Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to insert and recommend an article for administrative expenses, debt service, and allocation of reserves for the Community Preservation into the annual town meeting warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Seconded; and it was voted to recommend an article for the Community Preservation Committee for the return of \$200,000 in emergency housing assistance funds from a grant of \$270,000 voted at town meeting September 12, 2020, as presented into the annual town meeting warrant.**

**Roll Call Vote: 5-0**

DeVasto spoke about this article and explained what it was asking for and what the article was about. Sayre questioned the article and what the money was being spent on. Curley explained that it could be used for anything affordable housing related. Ahern came to the table stating that she was part of the CPC meeting, and it was a lot of money.

**Board Member Curley Moved; Board Member Sayre Seconded, and it was voted to insert and recommend an article for the Community Preservation article for the affordable housing trust as drafted in the annual town meeting warrant.**

**Roll Call Vote: 5-0**

CPC Habitat for Humanity was next to be voted on.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to insert and recommend a community preservation article for the Habitat for Humanity as presented in the annual town meeting warrant.**

**Roll call Vote: 5-0**

Chair Carboni suggested the board add the amount in the warrant article.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to insert and recommend a Community Preservation article for Lower Cape Housing in the amount of \$7,500 as presented into the annual town meeting warrant.**

**Roll Call Vote: 5-0**

DeVasto stated he would like to hear from someone about this article. Sayre had questions as well. The board decided they would like a member of the CPC to come explain this article.

They moved to 360 Blue Heron Road Curley gave an update on this article and explained what it was about. The board decided not to vote on this article yet.

They moved to the conservation fund; Curley stated he was ok with voting on this but wasn't comfortable designating money to this fund as open space and certain lots aren't just land for conservation. Wolf shared the same concerns.

The board discussed this article.

**Board Member DeVasto Moved; Board Member Sayre Seconded, and it was voted to insert a Community Preservation article into the annual town meeting warrant in the sum of \$150,00 for an establishment of conservation land fund.**

**Roll Call Vote: 4-0-1**

**Chair Carboni Moved, Board Member Sayre Seconded; and it was voted to recommend a Community Preservation Article in the sum of \$150,00 for an establishment of conservation land fund.**

**Roll Call Vote: 2-2-1**

**Board Member DeVasto moved; Board Member Curley seconded; and it was voted to insert and recommend a Community Preservation article in the sum of \$15,000 for the Historical Commission for the annual town meeting warrant.**

**Roll Call Vote: 5-0**

The Bruer house was discussed next, **Chair Carboni recused herself from this warrant article.**

The board discussed if they had to insert this article. Guerino explained that this had to be in the warrant, but the board could vote to not recommend.

**Board Member DeVasto Moved; Board Member Sayre seconded; and it was voted to insert a Community Preservation article for the sum of \$200,000 for the Breuer House into the annual town meeting warrant.**

**Roll Call Vote: 4-0-1**

The board discussed recommending the article. Ahern came to the table stating that the board needed to vote on this, explaining this is such an important project. McMahon spoke to the board and stated that they will be renting this house for part of the season which is how they sustain the project.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the community preservation article in the sum of \$200,000 for the Breuer House.**

**Roll Call Vote 4-0-1**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to insert and recommend an article for Community Preservation in the sum of \$15,000 for the AIM Thrift Shop Renovations into the annual town meeting warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to insert and recommend a Community Preservation Article in the sum of \$50,00 for the Henry Gray House as printed into the annual town meeting warrant.**

**Roll call Vote: 5-0**

The board moved on to the Historical Society.

**Board Member Curley Moved; Board Member Seconded; and it was voted to insert and recommend a Community Preservation Article for the Wellfleet Historical Society Museum for renovations in the amount of \$100,000 into the annual town meeting warrant.**

**Roll call Vote: 5-0**

Chair Carboni recused herself from the next warrant article as it had to do with Herring River.

**Board Member DeVasto Moved; Board Member Sayre Seconded; and it was voted to insert and recommend an article to convey a license at Old Chequessett Neck Road to the United States of America for access to construct and maintain a Herring River Restoration Project water control structure.**

**Roll Call Vote: 4-0- 1**

The board discussed the scholarship petitioned article. Chair Carboni explained the article to the board. Curley recused himself from this article.

The board discussed motions.

**Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to not recommend the petitioned article for a Town of Wellfleet Scholarship program.**

**Roll Call Vote: 0-4-1**

Najmi came to the table to explain this warrant article and why he has it placed on the warrant. He spoke about the constant fire and mass starvation. He urged the Wellfleet Selectboard to be on the right side of this issue.

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend a petitioned article in support of endurance of a ceasefire in Gaza petitioned article.**

**Roll Call Vote: Roll Call Vote: 3-0-2 (Sayre and Carboni abstained)**

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to reconsider the previous vote on the petitioned article for endurance to of a ceasefire in Gaza.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member DeVasto seconded; and it was voted to recommend the petitioned article in support of endurance of a ceasefire in Gaza.**

**Roll Call Vote: 4-0-1 (Carboni recused)**

The board moved on to the next petitioned article which was Medicare for all.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to recommend the petitioned article for Medicare for all in the State of Massachusetts Law.**

**Roll Call Vote: 5-0**

The petitioned pesticide article was next for the board. DeVasto had some questions.

**Board Member Curley Moved; Board member Wolf Seconded; and it was voted to insert the home rule petition for pesticide reduction into the annual town warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to Not recommend the home rule petition article for pesticide reduction.**

**Roll Call Vote: 2-2-1 (DeVasto Abstained)**

**Board Member Curley Moved; Chair Carboni Seconded; and it was voted to insert and recommend a home rule petition authorizing the town of Wellfleet to establish a real estate transfer fee.**

**Roll Call Vote: 5-0**

**V. *Business***

**A. Update on Bound Brook**

Guerino spoke to the board about Bound Brook stating that he met and drove to the sight the previous day with the DPW director, the Herring River Restoration Project. It was explained that they were going to raise the land up about 12-feet, so the road can be passable. He gave details of the discussion and will continue to keep this item on upcoming agendas. The board discussed the increased height of the road. Bacon spoke about this project. Stating that there are volunteers at the sight removing debris and the projects that are happening at that site. The Board discussed this issue for a while.

**B. Vote to release Executive Session Minutes of January 2 & January 16, 2024.**

**Chair Carboni took this out of order as they were waiting for Guerino to come to the meeting.**

Curley stated he didn't receive the minutes and then stated they would typically need to be voted in executive session, Chair Carboni stated that town counsel relayed to her these could be voted on in open session.

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to release the executive session meeting minutes of January 2<sup>nd</sup> and January 16<sup>th</sup>, 2024.**

DeVasto spoke to the minutes and stated he hasn't had a chance to read them. It was agreed that the minutes would be voted on, on Tuesday.

Sayre came back to the room stating that he would like to reconsider his vote for the last warrant article.

**C. Approval of the board for John Wolf to reach out to the town's congressional delegates, regarding dredging.**

Wolf explained that he would like to continue his work with the lobbyist to get a dredge permit with the Army Corps of Engineers rather than a mitigation plan. He explained his intentions while working with the lobbyist. The board discussed this.

**Board Member DeVasto Moved; Board Member Curley Seconded; and it was voted to designate John Wolf to engage with the congressional delegation to request that they intervene on behalf of the town of Wellfleet with the Army Corps of Engineers given the data presented by Wolf regarding the dredging permit for the mooring basin for the town of Wellfleet.**

**Roll Call Vote: 5-0**

**VI. *Topics for Future Discussion***

- Budgets will be continued
- Bound Brook will remain on the upcoming agendas.
- The Shellfish Advisory Board was looking for guidance on grants.
- Separate item to discuss funding for the affordable housing trust.



***DRAFT*** \*\*\*A full recording of this meeting can be found on the town's website\*\*\*

**VII. *Adjournment***

**Board Member DeVasto Moved; Board Member Sayre Seconded; and it was voted to adjourn the meeting.**

**Roll Call Vote: 5-0**

**Meeting Adjourned: 9:30pm**

**\*\*\*Public Documents\*\*\***

*Capital Budgets*

*Operating Budgets*

*Draft Town Meeting Warrant*

**Wellfleet Selectboard**  
**Tuesday April 2, 2024; 6pm**  
**Hybrid Meeting: 715 Old Kings Highway ~ Zoom**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Ryan Curley, Tim Sayre

**Members Absent:** Michael DeVasto

**Others Present:** Tom Guerino, Interim Town Administrator; Rebekah Eldridge (virtually), Executive Assistant; Suzanne Ryan, Rich Pauley, Fire Chief; Diane Brunt; Michael Turner, Deputy Chief; Officer Lace DeOliveira; Jerimiah Valli, Police Sergeant; Adam O'Shea, principal of Wellfleet Elementary School; Giovanna Vendetti, treasurer of Nauset School District; Brooke Clenchy, Superintendent of Nauset School District; Arlynn Consiglio, Assistant to Superintendent; Martha Gordon, Chair of the Wellfleet Elementary School Committee; Brian Easley; Chair of the Cape Cod Technical High School Committee; Angelo Salamone; Building Inspector; Becky Rosenberg, Recreation Director; Stephen Douglass, Josh Yeston, Chair of the Cable Advisory Board; Steven Kopits, Vice Chair of the Cable Advisory Committee; Carol Magenau, Secretary of the Energy and Climate Action Committee.

Chair Carboni Called the meeting to order at 6:03pm

**I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked if the board or administration had announcements? There were none. She moved on to public comment, reading the meeting conduct policy beforehand. Ryan Came to the microphone to share Cape Light Compact enhanced incentives for nonprofit town buildings, she explained the role of Cape Light Compact. She left the paper with the town administrator to be placed in the minutes. Chief Pauley came forward speaking to the retirement of a longtime firefighter Bill Grozier who has been with the town of Wellfleet for 27 years. He spoke about his accomplishments and thanked him for his tremendous service. The audience gave a round of applause.

Brunt came to the microphone, speaking to the board about a healthy town government she feels since Chair Carboni became chair she doesn't feel the town is being transparent. She spoke about Jude Ahern being smart and ahead of the game.

**II. *Consent Agenda***

**A.** Use of Town Property for the celebration of USA Veteran for Memorial Day, front lawn at town hall ~ Monday May 27, 2024; 9am to noon~ Lt. Charles E. Annett, Wellfleet American Legion Post 287

**B.** Wellfleet Recycling Committee; Lydia Vivante/Christine Shreeves: Spring Expo, Saturday June 8, 2024; 9:30am – 12:30pm (Rain Date Saturday June 15<sup>th</sup>)

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to approve the consent agenda as printed.**

**Roll Call Vote: 4-0**

**III. *Police Appointments***

**A.** Jeremiah Valli promoted to lieutenant.

**B.** Lace DeOliveira promoted to Sergeant.

Deputy Chief Turner came to the table with the two officers being promoted. He explained Chief LaRocco couldn't attend due to a medical procedure. He spoke about the interviews that took place and who was on the interview panel. He stated there was much consideration he presented Sergeant Jeremiah Valli who is now being promoted to Lieutenant. He read his accomplishments with the town of Wellfleet. Valli spoke to the board, thanking them for allowing him to work for the town and the opportunity of this promotion.

**Board Member Curley Moved; Board member Sayre Seconded; and it was voted to approve the promotion of Sergeant Jerimiah Valli to the position of Lieutenant within the Wellfleet Police Department effective April 8, 2024.**

He moved to officer Lace DeOliveira, speaking of his accomplishments with the town, his help with programs in the town. He stated that the police department is being promoted from Officer to Sergeant.

DeOliveira spoke to the board and public thanking them for this opportunity.

**Board Member Curley Moved; Board Member Seconded, and it was voted to approve the promotion of Office Lace DeOliveira to the position of Sergeant within the Wellfleet Police Department effective April 8, 2024.**

**Roll Call Vote: 4-0**

**IV. *Operating Budgets***

**A.** Nauset Schools will present their operating budgets to the board.

The board moved onto the school budgets. Clenchy came forward to the table with O'Shea and Gordon, she announced that Consiglio and Vendetti were online. They began their presentation with a slide show to explain their extensive budget. They explained the process of the presentation and began with the elementary school. O'Shea spoke to the board about the needs of the elementary school. Vendetti explained different aspects of the budget. The board had some questions regarding the expenses for the high schools.

**Board Member Wolf Moved; Board Member Seconded; and it was voted to approve the Nauset School System FY 25 operating budget as presented.**

**Roll Call Vote: 4-0**

**B.** Inspectional Services ~ Building Department

Salamone came to the front table to introduce his budget, Guerino spoke to the budget that was updated. Stating the Health and Conservation moving forward they will be separated as there are two departments now instead of one.

Salamone spoke to the board about his budget. Curley asked about the Open Gov budget, and it was explained that it wasn't originally put into the budget, so it was put under administration.

**Board member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the FY25 operating budget.**

**Roll Call Vote: 4-0**

Guerino spoke to the list of budgets that Curley sent to him and explained each of those budgets. He spoke about the water enterprise fund and not having it be funded in the future from the general fund. He spoke about the town planner's budget and how it is being funded.

C. Recreation call back ~ Becky Rosenberg

Rosenberg came to the table to introduce her capital budget for the rec department. She read a summary of the budget. She spoke about the van that was on the capital budget and explained it will allow not only the recreation department but classes at the elementary school to go on field trips without having to rent a bus. Rosenberg moved onto other topics in her capital budget, such as fencing around bakers' field, she spoke to the board about the bandstand at the end of the pier being replaced thanks to a grant from the Community Preservation Committee.

Sayre spoke to the fence and his safety concerns.

**Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to approve the Wellfleet Recreation FY 25 Capital Budget with the understanding that the recreation department will work with administration to get quotes for fencing around the playground.**

**Roll Call Vote: 4-0**

**Chair Carboni moved to go into a 10-minute recess.**

V. **Public Hearings ~ Board member Curley Recused from this agenda item.**

A. Application Received March 11, 2024, transfer of Alcohol License; JLS Adventures; DBA: Maurice's Campground, 80 Route 6 Wellfleet MA 02667 Eldridge explained this license to the board explaining that the manager's name is still listed as the previous owner, and she is looking to transfer the license.

**Board member Wolf Moved; Board member Sayre Seconded; and it was voted to approve the application dated March 11, 2024, for the transfer of Alcohol license to JLS Adventures, DBA Maurice's Campground from the Gauthiers.**

**Roll Call Vote: 3-0-1 (Curley recused)**

**Board member Sayre Moved; Board Member Wolf Seconded; and it was voted to close the public hearing.**

**Roll Call Vote: 4-0**

VI. **Licenses**

A. Renewal of Seasonal Alcohol License

- Wilson Family Limited Partnership; DBA: Wellfleet Motel & Lodge
- Slackman Inc.; DBA: Pearl Restaurant
- Harbor Stage Co. Inc. DBA: Harbor Stage Company
- Barry and Winslow, LLC. DBA Winslow's Tavern
- Wellfleet Marketplace Inc. DBA Wellfleet Marketplace
- Ceraldi Inc. DBA Ceraldi
- Ekdanta Package Corp. DBA Wellfleet Wine & Spirits
- Wellfleet Beachcomber

**Board Member Curley moved; Board Member Wolf Seconded; and it was voted to approve the renewal of the seasonal alcohol licenses with the exception of Maurices Campground.**

**Roll call Vote: 4-0**

- Maurice's Campground

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to approve the seasonal renewal of the alcohol license to Maurices campground.**

**Roll Call Vote: 3-0-1 (Curley Recused)**

**VII. Board/Committee Appointments and Updates**

**A. Chair Carboni took this application out of order as Douglass was in the room ~ Interview and possibly appointment of Stephen Douglass ~ Wellfleet Historical Commission for a term of three years.**

This was taken out of order and the board called Douglass to the microphone to speak about his application.

**Board Member Wolf Moved, Board Member Sayre Seconded; and it was voted to approve the appointment of Stephen Douglass to the Wellfleet Historical Commission for a term of three years.**

**Roll Call Vote: 4-0**

**B. Presentation from the Cable Internet and Cellular Service Advisory Committee regarding the beach Wi-Fi project, possible votes may be taken on this item. Yeston and Kopits came to the table to present to the board the beach Wi-Fi project that will help service be more readily available at the beaches. Yeston shared his screen and provided maps and the locations that they are looking to run the cable lines. He spoke about the \$200,000 grant they have received and spoke about the dangerousness that the public face with no service on the dunes and at the beaches. They answered some questions from the board. They discussed needing an additional \$55,000 from the town to finish the project. Yeston and Kopits spoke to get the proposal written and submitted. Wilson spoke of the importance of getting this service to the beaches. Brunt spoke to the board stating she's not comfortable with having mass coverage at the beaches. There was discussion about cameras, and it was noted the only cameras to be installed would be at the Marina for safety.**

**Board Member Curley Moved; Board Member and it was voted to have the selectboard support the Cable, Internet and Cellular Service Advisory Committee's preferred alternative which was the first option as presented and to direct the town administrator to determine where the \$55,000 funding gap will be sourced.**

**Roll Call Vote: 4-0**

**C. Energy & Climate Action Committee ~ Seeking approval of the board to upgrade their Green Communities status to the next level, "Climate Leader Communities." This is an informational discussion. Ryan and Magenau came to the table and explained why they were asking for the next level of the green community's program. Ryan explained and read a statement about what that means in the state of Massachusetts. The board had questions and discussed this next level. There was concern about being able to**

comply with what this next level demands for the community. The discussed this at great length. Curley stated that in this plan the regional school district would need to be included and he stated that would be a very long and difficult process, he also stated being uncomfortable with the recertification process that needs to happen every three years. Chair Carboni spoke about the impacts on staff and the different departments. Hay Came to the microphone and spoke to the board about his license.

**VIII. Business**

- A. Macs on the pier One Year License ~ Board to discuss and take a possible vote to enter a one-year agreement with Mac Hay.**

Chair Carboni asked Guerino to speak to this license agreement, he introduced it and said this is an annual lease agreement that will go out to bid next year as it was proposed previously. He explained that it was to late to bid now but it will be put out to bid after the summer. The board discussed this license, and some issues were raised. Merl Spoke to this license and his concerns, Pickard spoke to the board regarding the license and his concerns. Bacon spoke to the board about the lack of staff to get this out to bid and approving the license for this year. Wilson spoke to the board in favor of this license agreement. Brunt gave her opinion on the license and her concern for approving it. Coakley spoke to the board who was not in favor of this license.

**Board Member Wolf Moved; Chair Carboni Seconded; and it was voted to approve the one-year contract with Macs at the pier for use of town property on Mayo Beach for the 2024 season for a fee of \$7,500. The motion was to modify the motion to not say Mayo Beach and including the 8x10 area.**

**Roll Call Vote: 3-0-1 (Curley Abstained)**

- B. Ice Machine Update**

Guerino gave an update on the process of the ice machine, stating that they put a bid out and it was opened April 5, 2024, the town received one bid from New England Marine and Engineering out of New Bedford. Guerino stated to the board that they will move forward and award the bid to the company, so the state sees that we are ready to purchase the machine. The board discussed the ice machine and the company that bid on it. Merl spoke to the board about the company and questioned if they would service the machine. He also spoke about town counsels' opinion on the placement of the ice machine at the shellfish shack. The discussion continued the ice machine, and it was questioned when the opinions from town counsel would come in. The board brought Hay back up to the microphone asking him questions about his property and the placement of the machine next to his restaurant. Hay spoke to the noise of the machines stating that they are two five-ton machines he believes will make noise especially in a residential area. Brunt spoke to the board and public stating her issues. This discussion will continue at future meetings.

Chair Carboni asked if the board would be willing to move the following items to the meeting Thursday the 4<sup>th</sup> of April.

- C. Bound Brook Update**

Guerino wanted to give an update on Bound Brook, stating that they are keeping the residents apprised of the situation and will update them daily to let them know what is happening daily. There has been communication with the funding sources so the town can get reimbursed for this project.

D. Town Meeting Warrant – moved to next meeting.

IX. ***Correspondence***

X. ***Selectboard Reports***

XI. ***Town Administrator's Report***

Guerino spoke about a great department head meeting.

He spoke about staff going through training. He spoke about departments being certified in CPR and safety.

XII. ***Topics for Future Discussion***

XIII. ***Minutes***

A. March 19, 2024 – Moved to April 16, 2024, meeting.

B. March 21, 2024 – Moved to April 16, 2024, meeting.

XIV. ***Adjournment***

**Board Member Curley Moved, Board Member Sayre Seconded, and it was voted to adjourn the meeting.**

**Roll Call Vote: 4-0**

**Meeting adjourned 11:00pm**

**\*\*\* Public Documents\*\*\***

**Police appointment Letters**

**Application for use of town property ~ Recycling Committee Spring Expo**

**Application for use of town property ~ Memorial Day ceremony at town hall**

**Nauset Regional School District Operating and Capital Budgets**

**Building Department Operating Budget**

**Recreation Capital Budget**

**Application from Stephen Douglass ~ Wellfleet Historical Commission**

**Slideshow from the Wellfleet Cable, Internet, Cellular Advisory Committee**

**Documents for the Energy & Climate Action Committee to move to the next level of green communities.**

**Meeting Minutes of March 19, 21, 2024.**

**Wellfleet Selectboard**  
**Thursday April 9, 2024; 6pm**  
**Hybrid Meeting ~ 715 Old King's Highway ~ Zoom**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Ryan Curley, Tim Sayre, Michael DeVasto (virtual)

**Others Present:** Tom Guerino, Interim Town Administrator; Rebekah Eldridge, Executive Assistant, Diane Brunt, Jude Ahern, Chris Merl, Brad Morse

Chair Carboni called the meeting to order at 6:03pm

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**I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than three minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Brunt spoke to the board regarding the shellfish revolving fund, and its increase.

**II. *Town Warrant***

**A.** Discussion of transferring money from free cash to affordable housing trust, et al.

Guerino introduced the newest version of the warrant. He went to Article one which the board hasn't voted on yet. Article One is the operating budget.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to recommend Article one the Operating Budget.**

**Roll Call Vote: 5-0**

The board moved to the prior year's invoices; it was discussed that this is not usually this high.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to recommend article two prior year invoices.**

**Roll Call Vote: 5-0**

The Capital Budget was discussed next. There were a few questions regarding some of the departments. It was stated that the shellfish constable will be at the meeting later, the board will vote when she is at the meeting to answer questions.

The board moved to the Marina Enterprise Fund.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the Marina Enterprise Fund.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to recommend the Water Enterprise Fund.**

**Roll Call Vote: 5-0**



**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to recommend Article 6, authorize the lease purchase of an ambulance as amended.**

**Roll Call Vote: 5-0**

The board moved on the transfers to stabilization fund. DeVasto spoke about having some of the money be transferred to the Affordable Housing Trust. He gave his reasoning as to why this needs to happen. He explained that most of the residential properties in town go to short term rentals not year-round housing.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to Recommend the now named Free Cash Transfers as amended.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to amend an article for the senior work off program as amended.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to recommend the article for establishing a sewer enterprise fund with the amendment of the Summary.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded, and it was voted to recommend an article for public, educational, and government access and cable related fund.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to recommend the article for surplus disposal.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved, Board Member Sayre Seconded; and it was voted to recommend the article for collection of taxes.**

**Roll Call Vote: 5-0**

**Board Member Curley, Board Member Sayre Seconded; and it was voted to recommend section VII closing articles.**

**Roll Call Vote: 5-0**

Civetta came to the table to discuss her capital budget and why a certain amount was taken out of tax levy and not the shellfish revolving fund. She stated she was following what Rich Bienvenue recommended. Guerino spoke to the article stating that this wording could be amended.

There was discussion about using the tax levy for a shellfish article, Guerino stated he would check in with Bienvenue to see if the funding source can be amended.

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to recommend the FY25 Capital Budget as printed.**

**Roll Call Vote: 5-0**

The shellfish revolving fund was discussed next, **(Board Member DeVasto Recused from this item)** there was some discussion about a grant that was applied for and awarded. Guerino explained the process.

He stated the grant was awarded and there is no reason not to use the grant therefore making the article in the warrant correct.

There was a lot of discussion about this article, with Ahern, Brunt, Merl and Morse speaking to the article and their concern.

**Board Member Sayre Moved; Board Member Wolf Seconded; and it was voted to recommend the shellfish revolving fund as printed.**

**Roll Call Vote: 4-0-1 (DeVasto recused)**

**III. *Capital Improvement Long Term Plan***

**A.** The board to review the long-term plan for the Capital Improvement Budget

The board began to discuss the long-term capital plan. The discussion continued with thoughts on changes, and recommendations for certain items. Brunt, Merl and Morse had comments about these items. Curley wanted to make the library fire suppression system move up in importance.

**IV. *Adjournment***

**Board Member Sayre Moved; Board Member Curley Seconded, and it was voted to adjourn the meeting.**

**Roll Call Vote: 5-0**

**Meeting Adjourned 8:20pm**

**\*\*\* Public Documents\*\*\***

**Annual Town Meeting Warrant 2024**

**Long Term Capital Improvement plan for all departments in Wellfleet**



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 16, 2024

IV

## ADJOURNEMENT

<b>REQUESTED BY:</b>	<b>Selectboard Chair Barbara Carboni</b>
<b>DESIRED ACTION:</b>	<b>To Adjourn the meeting</b>
<b>PROPOSED MOTION:</b>	<b>I move to adjourn</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____